

ZB# 04-04

**Central Hudson
Gas & Electric**

12-1-48

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted Interpretation 3-8-04

ZBA #04-04 CENTRAL HUDSON G&E
UNION AVE (12-1-48) INTERPVARIANCE



CENTRAL HUDSON GAS & ELECTRIC CORPORATION

284 South Avenue

Poughkeepsie, New York 12601

Electric System Design

ZBA Application

UNION AVENUE SUBSTATION

New Windsor, New York



CH Energy Group, Inc.

ELECTRIC SYSTEM & DESIGN -SUBSTATIONS

Union Avenue Substation

CENTAL HUDSON GAS & ELECTRIC CORPORATION
284 SOUTH AVENUE
POUGHKEEPSIE, NEW YORK 12601

CENTRAL HUDSON GAS & ELECTRIC CORP

Electric System Design



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**CENTRAL HUDSON GAS & ELECTRIC CORPORATION
284 South Avenue
Poughkeepsie, New York 12601**

**ALTERATION OF UNION AVENUE SUBSTATION
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

PROJECT NARRATIVE

INTRODUCTION

Central Hudson Gas & Electric Corporation (hereinafter "Central Hudson") is an electric corporation pursuant to the New York Public Service Law, and is a public utility. Pursuant to its franchise granted by the Town of New Windsor in 1905, Central Hudson furnishes electric service generally throughout the Town of New Windsor and Orange County. Such public utilities constitute a use that has a unique relation to the public welfare and safety.

As a public utility, Central Hudson has the right, and moreover the duty, to provide adequate electric capacity and reliable power to customers within the Town of New Windsor. Central Hudson provides this electric service through its transmission system which includes its existing substation facility located on Union Avenue in the Town of New Windsor known as the "Union Avenue Substation".

New York permits localities to adopt reasonable zoning regulations governing electric utilities, however, no municipality may nullify or interfere with the utility's right and duty to erect and maintain transmission facilities. Therefore, municipalities may regulate, but not prohibit, the installation or expansion of electric facilities for the transmission of electricity, including substations, where such expansion is necessary to the maintenance of reliable electric service.

ADDITIONAL SUBSTATION FACILITIES ARE NEEDED

Central Hudson Gas & Electric Corporation has determined that alteration of the Union Avenue Substation is necessary in order to increase reliability of electric service and to meet the area's growing need for electric capacity. The Union Avenue Substation facilities were first constructed between 1954 and 1955. The Union Avenue Substation is located on New Windsor tax parcel #12-1-48, consisting of approximately 6.9 acres, in the R-4 zone. Central Hudson has determined that alteration to the Union Avenue Substation is needed to expand electric capacity to serve the increased electric load in the New Windsor/Cornwall area.

Central Hudson planning studies indicate that the load in the New Windsor/Cornwall area is projected to grow at an average rate of 2.7% per year, based on the 1998 through 2002 summer load data. By summer 2004, it is forecasted that the Union Avenue Substation will be 97% of summer substation capacity, near capacity load. Furthermore, based upon projected rapid growth in the Town of New Windsor, Central Hudson forecasts projected load in excess of 100% by the summer of 2005. Additional circuits are necessary at the Union Avenue Substation in order to meet the projected load.

In 2002, Central Hudson utilized the last available position at the Union Avenue Substation to build an additional circuit. As a result, no spare circuit positions are available at the Union Avenue Substation to meet future load. In addition, no spare circuit positions are available at Central Hudson's other area substations to provide additional circuits and increase capacity to this area. Without additional circuits, Central Hudson must provide continued reliability by expanding electric facilities at its Union Avenue Substation.

Central Hudson proposes to alter the Union Avenue Substation by the addition of 3 pull boxes, an 880 square foot control house, 1 transformer and dead-end structures. This alteration will provide 5 additional electric positions available to meet projected increased load.

ELECTRIC UTILITIES ARE ESSENTIAL SERVICES

The Code of the Town of New Windsor, ("Code"), provides that public utilities are an essential service. Code § 48-37. Essential services include the erection, construction, and alteration by public utilities of electric transmission systems and equipment and accessories necessary for the furnishing of adequate service by such public utilities or for the public health, safety or general welfare. Code § 48-37. Such essential services are exempt from various requirements of the Code. For example, public utility sounds carried out pursuant to franchise are exempt from the Code's noise controls. Code § 48-17.5(5)(d). Furthermore, major structural alterations necessary in the interest of public safety are exempt from regulation of non-conforming uses and buildings. Code § 48-24(B)(4).

Although defined under the Code as an "essential service", the Code of the Town of New Windsor fails to identify electric public utility uses as allowed or special permit uses in the R-4 zone. Accordingly, Central Hudson's public utility use on its Union Avenue property has been determined by the Town's Building Inspector to be a prior non-conforming use.

INTERPRETATION REQUESTED

Central Hudson seeks an interpretation whether pursuant to Section 28-24(B)(4) of the Code of the Town of New Windsor, ("Code"), the proposed alteration of the existing Union Avenue Substation is exempt from the restrictions provided in Code Section 48-24(B)(3) as major structural alterations of a non-conforming use that are necessary in the interest of public safety.

In the event the ZBA determines that Code Section 48-24(B)(4) is inapplicable, Central Hudson requests an interpretation whether the limitation on extensions of prior non-conforming uses provided in Code Section 48-24(B)(3) applies to:

1. the floor area of the control building,
2. the square footage of the substation equipment footprint, or
3. the aggregate square footage of the control building plus the substation equipment footprint.

AREA VARIANCE REQUESTED IF NEEDED

Subject to the interpretation of the ZBA, Central Hudson seeks an area variance to allow construction of more than 30% of the floor area of the control building, the square footage of the substation equipment footprint, or the aggregate square footage of the control building plus the substation equipment footprint. In addition, Central Hudson seeks an area variance to allow construction of public utility facilities that are greater than 18 feet high.

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

*** * MUST READ AND SIGN * ***

I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).

Robert Thomas
SIGNATURE

11/26/03
DATE

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.
(JULY AND AUGUST – ONE MEETING PER MONTH ONLY)



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

_____ Application Type: Use Variance ☐ Area Variance ☐
Date Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: (845) 486-5515
CENTRAL HUDSON GAS & ELECTRIC CORP Fax Number: (845) 486-5952
(Name)
284 South Ave Poughkeepsie, NY 12601
(Address)

II. **Purchaser or Lessee:** Phone Number: ()
Fax Number: ()
(Name)
(Address)

III. **Attorney:** Phone Number: (518) 429-4274
Lois Phillips (Hiscock & Barclay, LLC) Fax Number: (518) 427- 3468
(Name)
50 Beaver Street Albany, NY 12207-2830
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number (845) 454-3980
Fax Number: (845) 454-4026
Chazen Companies
(Name)
21 Fox Street Poughkeepsie, NY 12601
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: Union Ave & Rte 32, New Windsor
Lot Size: 6.94 Ac Tax Map Number: Section 12 Block 1 Lot 48
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? NO
c. When was property purchased by present owner? 1954 & 1955
d. Has property been subdivided previously? NO If so, When:
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? NO
f. Is there any outside storage at the property now or is any proposed? NO

****PLEASE NOTE:*****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE
OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section_____, Table of_____ Regs., Col. _____.

Describe proposal:

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.**

PLEASE NOTE:

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**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE – continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighted against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than the area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance: _____

Area Variance: Subject to interpretation of the ZBA, Central Hudson seeks an area variance to allow construction of more than 30% of the floor area of the control building, the square footage of the substation equipment footprint or the aggregate square footage of the substation equipment footprint. In addition, Central Hudson seeks an area variance to allow construction of public utility facilities that are greater than 18 feet high.

See Attachment "A"

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COMPLETE THIS PAGE ☐

ATTACHMENT A

Application for Area Variance

- IX. Area Variance: Subject to the interpretation of the ZBA, Central Hudson seeks an area variance to allow construction of more than 30% of the floor area of the control building, the square footage of the substation equipment footprint, or the aggregate square footage of the control building plus the substation equipment footprint. In addition, Central Hudson seeks an area variance to allow construction of public utility facilities that are greater than 18 feet high.

Central Hudson Gas & Electric Corporation has determined that alteration of the Union Avenue Substation is necessary in order to increase reliability of electric service and to meet the area's growing need for electric capacity. The Union Avenue Substation facilities were first constructed between 1954 and 1955. The Union Avenue Substation is located on New Windsor tax parcel #12-1-48, consisting of approximately 6.9 acres, in the R-4 zone. Central Hudson has determined that alteration to the Union Avenue Substation is needed to expand electric capacity to serve the increased electric load in the New Windsor/Cornwall area.

Central Hudson planning studies indicate that the load in the New Windsor/Cornwall area is projected to grow at an average rate of 2.7% per year, based on the 1998 through 2002 summer load data. By summer 2004, it is forecasted that the Union Avenue Substation will be 97% of summer substation capacity, near capacity load. Furthermore, based upon projected rapid growth in the Town of New Windsor, Central Hudson forecasts projected load in excess of 100% by the summer of 2005. Additional circuits are necessary at the Union Avenue Substation in order to meet the projected load.

In 2002, Central Hudson utilized the last available position at the Union Avenue Substation to build an additional circuit. As a result, no spare circuit positions are available at the Union Avenue Substation to meet future load. In addition, no spare circuit positions are available at Central Hudson's other area substations to provide additional circuits and increase capacity to this area. Without additional circuits, Central Hudson must provide continued reliability by expanding electric facilities at its Union Avenue Substation.

Central Hudson proposes to alter the Union Avenue Substation by the addition of 3 pull boxes, an 880 square foot control house, 1 transformer and dead-end structures. This alteration will provide 5 additional electric positions available to meet projected increased load.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE – continued

X. SIGN VARIANCE:

- (a) Variance requested for New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	Requirements	Proposed or Available	Variance Request
Sign #1	_____	_____	_____
Sign #2	_____	_____	_____
Sign #3	_____	_____	_____
Sign #4	_____	_____	_____

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.
- © What is the total area in square feet of all signs on premises including signs on windows, face of the building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section 48-24(B)(3) & 48-24(B)(4) _____
- (b) Describe in detail the proposal before the board:

See Attachment "B"

PLEASE NOTE:

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COMPLETE THIS PAGE ☐

ATTACHMENT B

Application for Area Variance

XI. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section 48-24(B)(4) and Section 48-24(B)(3).
- (b) Section 48-24(B)(4) provides: "Nothing in this section shall be deemed to prevent... the carrying out, upon the issuance of a building permit, of major structural alterations or demolitions as necessary in the interest of public safety."

Central Hudson seeks an interpretation whether pursuant to Section 28-24(B)(4), the proposed alteration of the existing Union Avenue Substation is exempt from the restrictions provided in Section 48-24(B)(3) as major structural alterations of a non-conforming use that are necessary in the interest of public safety

Section 48-37 defines public utilities to be an essential service. Essential services include the erection, construction, alteration by public utilities of electric transmission systems and equipment and accessories necessary for the furnishing of adequate service by such public utilities or for the public health, safety or general welfare. Such essential services are exempt from various requirements of the Code. For example, public utility sounds carried out pursuant to franchise are exempt from the Code's noise controls. Code § 48-17.5(5)(d). Furthermore, major structural alterations necessary in the interest of public safety are exempt from regulation of non-conforming uses and buildings. § 48-24(B)(4). Central Hudson has determined that alteration of its existing Union Avenue Substation by construction of additional electric equipment and accessories is necessary in order to provide adequate electric capacity to serve the Town of New Windsor/ Cornwall area.

Central Hudson proposes to alter its existing Union Avenue Substation by the construction of additional substation facilities, including an 880 square foot control building, 3 pull boxes, dead-end structures and 1 transformer on a 6.9 acre parcel in the R-4 zone. Although an essential service, the Code of the Town of New Windsor does not provide that such essential services are

allowed or special permit uses in the R-4 zone. Accordingly, Central Hudson's public utility use on its Union Avenue property has been determined by the Town's Building Inspector to be a prior non-conforming use.

In the event the ZBA determines that Section 48-24(B)(4) is inapplicable, Central Hudson requests an interpretation whether the limitation on extensions of prior non-conforming uses provided in Code Section 48-24(B)(3) applies to:

- the floor area of the control building,
- the square footage of the substation equipment footprint, or
- the aggregate square footage of the control building plus the substation equipment footprint.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Central Hudson Gas & Electric Corp, deposes and says that he resides
(OWNER)
at 284 South Ave Poughkeepsie, NY 12601 in the County of Dutchess
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map
(Sec. 12 Block 1 Lot 48)
designation number (Sec. 12 Block 1 Lot 48) which is the premises described in
the foregoing application and that he authorizes:

Robert Thomas 401 Homestead Ave Maybrook, NY 12543
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: _____

Sworn to before me this:

25th day of NOVEMBER 2003

John C. McManus
JOHN C. McMANUS
Notary Public, State of New York
No. 4878673
Qualified in Dutchess County
Commission Expires Dec. 8, 2006
Signature and Stamp of Notary

** Robert Thomas
Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- 4 copies*
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR(4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

25 day of NOVEMBER 2003.

JOHN C. McMANUS
Notary Public, State of New York
No. 4878673

Qualified in Dutchess County
Commission Expires Dec. 8, 2006
Signature and Stamp of Notary

Robert Thomas

Owner's Signature (Notarized)

Central Hudson Gas & Electric Corp
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

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COMPLETE THIS PAGE ☐

Part 1 Environmental Assessment Form
**CENTRAL HUDSON GAS &
ELECTRIC CORP.
Proposed Alterations
to Existing Substation**

Union Avenue
Town of New Windsor
Orange County, New York

November 24, 2003

Prepared For:
Central Hudson Gas &
Electric Corp.
284 South Avenue
Poughkeepsie, NY 12601

Part 1 Environmental Assessment Form
**CENTRAL HUDSON GAS &
ELECTRIC CORP.**

**Proposed Alterations
to Existing Substation**

Union Avenue
Town of New Windsor
Orange County, New York

November 24, 2003



Prepared by:

**The Dutchess County Office
The Chazen Companies
21 Fox Street
Poughkeepsie, New York 12601**

Dutchess County
(845) 454-3980

Orange County
(845) 567-1133

Capital District
(518) 235-8050

North Country
(518) 812-0513

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY
DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonable determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions.

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency


Signature of Preparer (if different from responsible officer)

Date

PART 1 - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION			<i>Central Hudson Gas & Electric Corp. Proposed Alterations to Existing Substation</i>		
LOCATION OF ACTION			<i>Union Avenue</i>		
NAME OF APPLICANT/SPONSOR			BUSINESS TELEPHONE		
<i>Central Hudson Gas & Electric Corp.</i>			<i>(845) 486-5515</i>		
ADDRESS			<i>284 South Avenue</i>		
CITY/PO			STATE	ZIP CODE	
<i>Poughkeepsie</i>			<i>NY</i>	<i>12601</i>	
NAME OF OWNER (if different)			BUSINESS TELEPHONE		
<i>Same as Applicant</i>					
ADDRESS					
CITY/PO			STATE	ZIP CODE	
DESCRIPTION OF ACTION					
<i>Proposed alterations to existing substation on a 6.94(+/-) acre site on Union Avenue, including an additional control building, equipment foundations and structure areas.</i>					

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential ☐ Rural (non-farm)
☐ Forest ☐ Agricultural ☒ Other: public utility

2. Total acreage of project area: 6.94(+/-) acres¹

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	<u>2.74(+/-)</u> acres	<u>2.55(+/-)</u> acres
Forested	<u>2.50(+/-)</u> acres	<u>2.00(+/-)</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (freshwater or tidal as per Articles 24, 25 of ECL)	<u>0.9(+/-)⁹</u> acres	<u>0.9(+/-)⁹</u> acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (rock, earth fill, gravel)	<u>0.73(+/-)</u> acres	<u>1.34(+/-)</u> acres
Roads, buildings and other paved surfaces	<u>0.04(+/-)</u> acres	<u>0.09(+/-)</u> acres
Other (Indicate type: <u>lawn/landscaped areas</u>)	<u>0.03(+/-)</u> acres	<u>0.06(+/-)</u> acres

3. What is predominant soil type(s) on project site: Swartswood & Mardin very stony soils (SxC)

& Mardin gravelly silt loam(MdB)²

- a. Soil drainage: ☒ Well drained 25(+/-)% of site ☒ Moderately well drained 75(+/-) % of site
☐ Poorly drained _____ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?

☒ Yes ☐ No

- a. What is depth to bedrock? varies feet³

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 40(+/-)% ☒ 10-15% 55(+/-)%
☒ 15% or greater 5(+/-)%
6. Is project substantially contiguous to or contain a building site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No⁴
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No⁵
8. What is the depth of the water table? varies (in feet)⁶
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No⁷
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No
According to Site is surrounded by developed area.
Identify each species: _____
12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, or other geological formations) ☐ Yes ☒ No
Describe: _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? If yes, explain: ☐ Yes ☒ No
14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No
15. Streams within or contiguous to the project area: none⁸
a. Name of Stream and name of River to which it is tributary: _____
16. Lakes, ponds, wetland areas within or contiguous to project area: yes⁹
a. Name: wetland area (ACOE) b. Size (in acres): 0.9(+/-) acres
17. Is the site served by existing public utilities? (electric) ☒ Yes ☐ No
a. If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
b. If Yes, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law 25-AA, Section 303 and 304? ☐ Yes ☒ No¹⁰
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No¹¹
20. Has the site ever been used for the disposal of solid or hazardous waste? ☐ Yes ☒ No¹²

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 6.94(+/-) acres
- b. Project acreage to be developed: 1.43(+/-) acres initially; 1.43(+/-) acres ultimately.¹³
- c. Project acreage to remain undeveloped: 5.51(+/-) acres.
- d. Length of project in miles: NA (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed: 3.1(+/-) * %. * 880 s.f. building
- f. Number of off-street parking spaces existing: 0 proposed: 0¹⁴
- g. Maximum vehicular trips generated per hour: 1 per month¹⁵ P.M. peak (upon project completion).
- h. If residential, number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>NA</u> | _____ | _____ | _____ |
| Ultimately | <u>NA</u> | _____ | _____ | _____ |
- i. Dimensions (in feet) of largest proposed structure: 1 story height; 22 ft width; 40 ft length¹⁶
- j. Linear feet of frontage along a public thoroughfare project will occupy is: 455(+/-) feet¹⁷

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 100(+/-) cubic yards.
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No
 a. If Yes, for what intended purpose is site being reclaimed? use on site (except for non-suitable backfill)
 b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
 c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.66(+/-) acres.¹⁸
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed from site? ☐ Yes ☒ No
6. If single-phase project, anticipated period of construction: 10 months (including demolition).
7. If multi-phased: NA months
 a. Total number of phases anticipated: _____ (number).
 b. Anticipated date of commencement of phase one: _____ month, year.
 c. Approximate completion date of final phase: _____ month, year.
 d. Is phase one functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No¹⁹
9. Number of jobs generated - during construction: 20; after project is complete: 0²⁰
10. Number of jobs eliminated by this project: 0
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No
 If Yes, explain: _____
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No²¹
 a. If Yes, indicate type of waste (sewage, industrial, etc.) and amount: _____
 Name of water body into which effluent will be discharged: _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No
14. Will surface area of an existing body of water increase or decrease by proposal? ☐ Yes ☒ No
 If Yes, explain: _____
15. Is project or any portion of project located in a 100-year floodplain? ☐ Yes ☒ No²²
16. Will project generate solid waste? ☐ Yes ☒ No²³
 a. If Yes, what is the amount per month? _____
 b. If Yes, will an existing solid waste facility be used? ☐ Yes ☐ No
 c. If Yes, give name: _____; location: _____
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No
 If Yes, explain: _____
17. Will project involve the disposal of solid waste? ☐ Yes ☒ No
 a. If Yes, what is the anticipated rate of disposal? _____ tons/month
 b. If Yes, what is the anticipated site life? _____ Years
18. Will project use herbicides and pesticides? ☒ Yes²⁴ ☐ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☐ Yes ☒ No
 If Yes, indicate type(s): _____
22. If water supply is from wells, indicate pumping capacity: NA gallons/minute
23. Total anticipated water usage per day: NA gallons/day
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
 If Yes, explain: _____

25. Approvals Required:
- | | | | |
|--|---|--|--|
| City, Town, Village, Board | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | _____ |
| City, Town, Village, Planning Board (PB) | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <u>Site Plan</u> |
| City, Town Zoning Board | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <u>Possible area variance (TBD by ZBA)</u> |
| City, County Health Department | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ |
| Other Local Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ |
| Other Regional Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ |
| State Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ |
| Federal Agencies | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | _____ |

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No
 If Yes, indicate decision required:
☐ zoning amendment ☒ zoning variance (possibly) ☐ special use permit ☐ subdivision ☒ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other
2. What is the zoning classification(s) of the site? Residential (R-4)
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
maximum 20% or 60,461 s.f. building footprint for the 6.94 acre site.
4. What is the proposed zoning of the site? NA
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? NA
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☒ No²⁵
7. What are the predominant land uses and zoning classifications within one-quarter mile?
Public utilities, residential, schools, apple orchard, commercial including auto sales, auto service, gasoline filling station, delicatessen, hair salon, dance studio, small retail businesses, self-storage facility, insurance sales, driving range
8. Is the proposed action compatible with adjoining/surrounding land uses within a quarter mile? ☒ Yes ☐ No
9. If the proposed action is a subdivision of land, how many lots are proposed? NA
 What is the minimum lot size proposed? _____
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
11. Will proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ No
 a. If Yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No
12. Will proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
 a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. INFORMATION DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. VERIFICATION

I certify that the information provided here is true to the best of my knowledge.

Applicant/Sponsor Name: Central Hudson Gas & Electric Corp. Date: November 24, 2003

Signature: _____ Title: Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

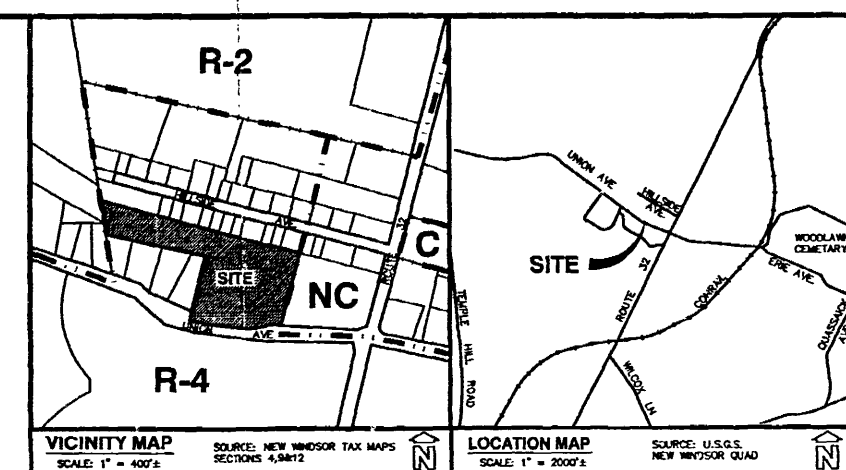
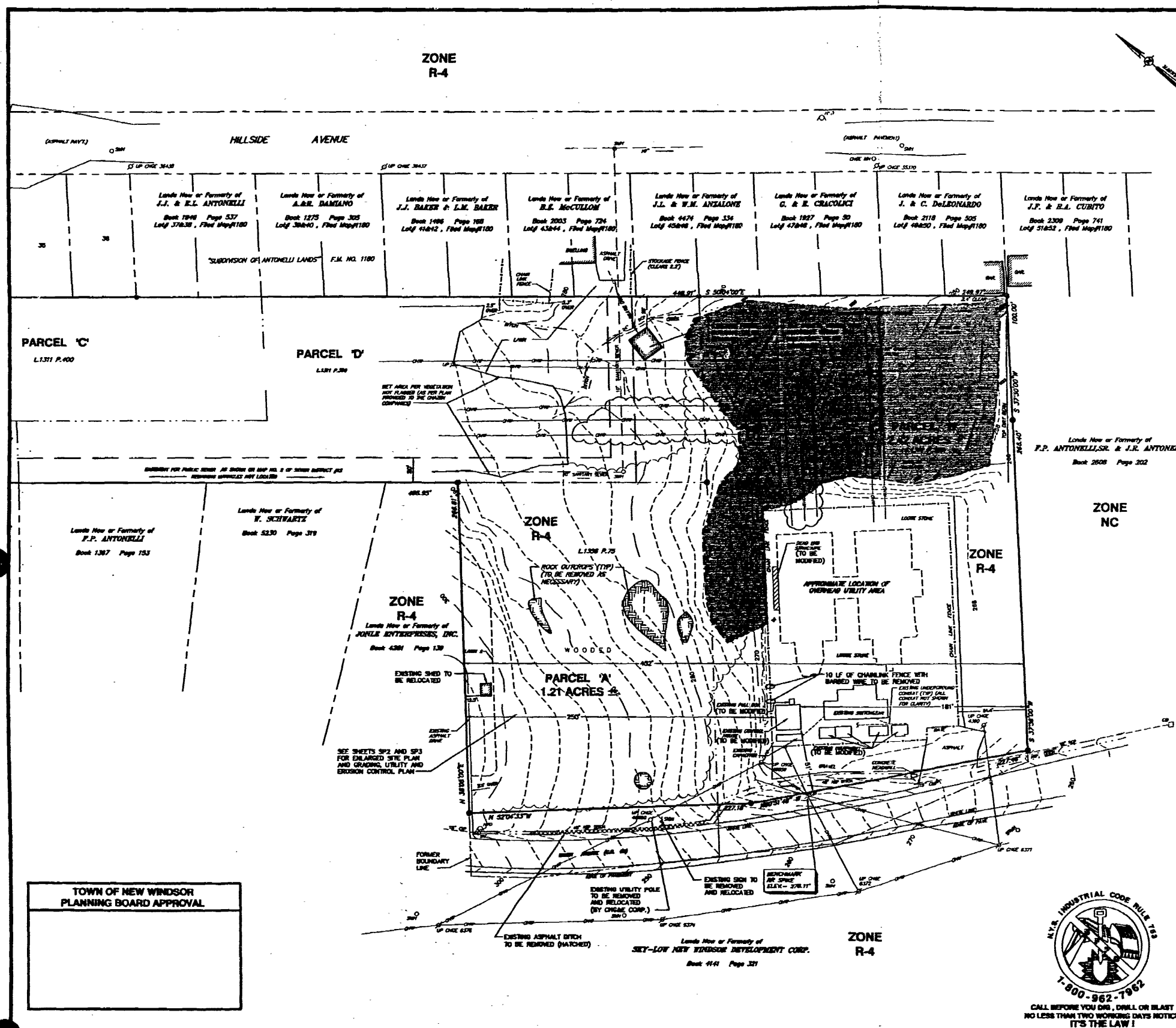
ENDNOTES

- ¹ Represents the total project area which consists of a 6.94(+/-) acre tax parcel identified as parcel number 12-1-48 on the Town of New Windsor Tax Map. The proposed project affects approximately 0.68 acres of the 6.94(+/-) acre project site.
- ² According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map # 31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). The Swartswood soil series consists of well drained and moderately well drained soils, and the Mardin soil series is a moderately well drained soil. An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. The Arnot soil series consists of somewhat excessively drained and moderately well drained soils, and the Lordstown soil series is a well drained soil.
- ³ According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map # 31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. Both the Swartswood soil series and the Mardin soil series have a depth to bedrock of greater than 60 inches. The Arnot soil series has a depth to bedrock of 10 to 20 inches and the Swartswood soil series has a depth to bedrock of 20 to 40 inches. Based on field observation, rock outcrops do exist on the site. Field investigation as described in the Geotechnical Report by Daniel G. Loucks, P.E., dated January 14, 2003, indicate that rock was encountered at depths ranging from 5 to 7.5 feet.
- ⁴ According to a review of the National/State Register Listings in Orange County received June 29, 2000, from the Office of Parks, Recreation, and Historic Preservation.
- ⁵ According to data from the U.S. Department of the Interior dated December 19, 2000.
- ⁶ According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map #31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. The Swartswood soil series typically has a depth to water table of 2.0 to 4.0 ft from November to March, the Mardin soil series typically has a depth to water table of 1.5 to 2 ft from March to May, and

the Arnot soil series typically has a depth to a perched water table of 1.0 to 1.5 feet from April to May. The Geotechnical Report by Daniel G. Loucks, P.E., dated January 14, 2003, estimates groundwater levels at depths of 1 foot or greater in the lower portion of the site, while groundwater was not encountered in the borings located at higher elevations. Mr. Loucks notes that perched groundwater tables may occur at the higher elevations dependent on seasonal rainfall and surface runoff, as demonstrated in some of the borings.

- ⁷ According to the New York State Department of Environmental Conservation Division of Water Technical and Operational Guidance, Series (2.1.3), Primary and Principle Aquifer Determinations, Table 1, 1990, and the *Atlas of Eleven Selected Aquifers in New York*, U.S. Geological Survey in cooperation with the NYS Department of Health, 1982.
- ⁸ According to the *New York State Department of Environmental Conservation Stream Map, Cornwall-on-Hudson Quadrangle*, the proposed site does not contain nor is contiguous to a NYS classified stream.
- ⁹ According to the New York State Department of Environmental Conservation *New York State Freshwater Wetlands Map, Cornwall-on-Hudson Quadrangle*, the 6.94(+/-) acre project site does not contain nor is contiguous to a State designated wetland. According to the *National Wetlands Inventory Map, Cornwall-on-Hudson Quadrangle*, the property does not contain nor is contiguous to a Federally designated wetland. However, field investigation indicates that a 0.9 acre wetland area exists on the site. No construction is proposed within the delineated area.
- ¹⁰ According to the map entitled *Orange County, NY, Agricultural District Lands, 1996*, prepared by Orange County Department of Planning, 2002, the site is not located within an Agricultural District.
- ¹¹ According to the *Critical Environmental Areas* document received from the NYSDEC on July 13, 2000, last updated June 3, 1999.
- ¹² According to the report *Inactive Hazardous Waste Disposal Sites in New York State: Region 3*, prepared by the New York State Department of Environmental Conservation, Division of Solid and Hazardous Waste, April 2002.
- ¹³ Represents the area of impervious surface and gravel, excluding lawn and landscaped areas.
- ¹⁴ The existing substation with the proposed alterations will not be staffed. A representative of Central Hudson Gas & Electric Corp. will visit the site approximately once per month for maintenance purposes, and parking of company vehicles will be within the substation fenced area.

-
- 15 The existing substation with the proposed alterations will not be staffed. A representative of Central Hudson Gas & Electric Corp. will visit the site approximately once per month for maintenance purposes.
 - 16 Represents the dimensions of the proposed Control Building.
 - 17 Represents the linear road frontage of the 6.94(+/-) acre project site along Union Avenue.
 - 18 Represents the increase in impervious surface and gravel, excluding lawn/landscaped areas.
 - 19 Blasting is not expected to be required. However, if necessary, blasting will be performed in compliance with all State and Local Requirements.
 - 20 The existing substation with the proposed alterations will not be staffed, and will be visited by Central Hudson Gas & Electric representative approximately once monthly for maintenance purposes.
 - 21 The existing substation with the proposed alterations will not be staffed, and thus, will not result in any water usage or wastewater generation at the site.
 - 22 According to the National Flood Insurance Program *Flood Insurance Rate Map, Town of New Windsor, New York, Community Panel No. 3606280001 0010B*, the project site is not located within a 100-year floodplain.
 - 23 The existing substation with the proposed alterations will be unmanned, and thus, will not generate a measurable amount of solid waste.
 - 24 A minor amount of herbicides/pesticides will be utilized according to Central Hudson Gas & Electric Company Operations and Maintenance Program standards.
 - 25 The proposed use of the parcel is not a permitted nor specially permitted use in the R-4 zoning district. The proposed project consists of alterations to the existing substation operated by Central Hudson Gas & Electric Corporation.



GENERAL NOTES

1. CONTRACTOR SHALL NOTIFY "CALL BEFORE YOU DIG" AT 1-800-4-A-DEPT. AT LEAST TWO FULL WORKING DAYS PRIOR TO COMMENCEMENT OF ANY WORK IN ACCORDANCE WITH UFGO CODE RULE 53, 16 IN CORP PART 753.
2. CONTRACTOR SHALL NOTIFY THE TOWN ENGINEER 48 HOURS PRIOR TO INITIALIZATION OF ANY WORK ON SITE.
3. ANY ITEM THAT MAY CONFLICT WITH SITE DEVELOPMENT AND IS NOT IDENTIFIED ON THIS PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER AS SOON AS POSSIBLE.
4. ALL DEMOLITION DEBRIS SHALL BE REMOVED FROM SITE (INCLUDING ASPHALT DITCH IN ROW) AND PROPERLY DISPOSED OF IN ACCORDANCE WITH APPLICABLE LOCAL, COUNTY AND STATE RULES AND REGULATIONS.
5. THIS PLAN IS NOT FOR PHYSICAL DEMOLITION AND IS FOR ILLUSTRATION PURPOSES FOR THE PLANNING BOARD SITE PLAN REVIEW PROCESS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, OFFSETS AND DISTANCES PRIOR TO PERFORMANCE OF THE WORK. ANY DISCREPANCIES SHALL BE COMMUNICATED IMMEDIATELY TO THE PROJECT ENGINEER OR THE DESIGNATED ON-SITE REPRESENTATIVE.
7. UNLESS OTHERWISE DIRECTED BY THESE DRAWINGS, OR ALLEGATIONS BY THE AUTHORITY HAVING JURISDICTION, ALL EXISTING FACILITIES, NOT NOTED FOR REMOVAL, SHALL BE LOCATED, MARKED, AND PROTECTED, DURING THE DURATION OF DEMOLITION AND CONSTRUCTION.
8. WHEN DISTURBED, EXISTING FACILITIES SHALL BE REPAIRED OR REPLACED IN KIND AND IN ACCORDANCE WITH THE REQUIREMENTS OR THE ORIGIN OF THE AUTHORITY HAVING JURISDICTION. ASSOCIATED COSTS SHALL BE BORNE BY THE CONTRACTOR.
9. CONTRACTOR IS ADVISED THAT SITE FACILITIES IN THE VICINITY OF THE PROPOSED WORK ARE ACTIVE AND USED BY OTHERS. THEREFORE, IF OTHERWISE PERMITTED, THE CONTRACTOR SHALL PERFORM THE PROPOSED WORK AND PROVIDE THE NECESSARY CONTROLS SUCH THAT SAFE PEDIAN AND VEHICULAR ACCESS TO ALL EXISTING FACILITIES IS MAINTAINED AT ALL TIMES.
10. CONTRACTOR SHALL CONDUCT ACTIVITIES ASSOCIATED WITH THIS WORK IN A MANNER CONSISTENT WITH ANY AND ALL REQUIREMENTS OF THE SITE OWNER/OPERATOR INCLUDING, BUT NOT LIMITED TO, SITE USE, PROTECTION OF PERSONS AND PROPERTY, WASTE CONTAINMENT, SITE SECURITY AND NOTIFICATION.
11. EXISTING UTILITIES SHALL BE LOCATED, MARKED AND PROTECTED DURING THE DURATION OF CONSTRUCTION, UNLESS OTHERWISE SPECIFIED.
12. EXISTING EQUIPMENT LOCATIONS PROVIDED BY CHARGE

NOTES:

1. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREIN TAKEN FROM A MAP TITLED "BOUNDARY AND TOPOGRAPHIC MAP, CENTRAL HUDSON GAS & ELECTRIC CORP." PREPARED BY SPECTRA ENGINEERING, P.C., Poughkeepsie, N.Y. DATED 9/6/02 AND LAST REVISED 9/20/02.
2. WETLANDS SHOWN HEREIN WERE FLAGGED 8/22/02 BY ROY T. BUDNIK ASSOCIATES, INC.
3. ELEVATION DATUM SCALED U.S.G.S. 1929.

TAX PARCEL NUMBER

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
PARCEL 'A': SECTION 12, BLOCK 1, PARCEL 48

DEED REFERENCE

PARCEL 'A': LIBER 1356, PAGE 75
PARCEL 'B': LIBER 1311, PAGE 390
PARCEL 'C': LIBER 1311, PAGE 400
PARCEL 'D' LIBER 1311, PAGE 390

OWNER/APPLICANT

CENTRAL HUDSON GAS & ELECTRIC CORP.
284 SOUTH AVENUE
POUGHKEEPSIE, NEW YORK, 12501


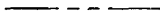




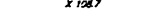



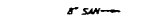















AREA TOTAL

0.94± ACRES

ZONE

R-4: SUBURBAN RESIDENTIAL

LEGEND:

- | | |
|--|---------------------------------|
|  | NO PHYSICAL BOUNDS |
|  | ADJACENT PROPERTY LINE |
|  | DEED PARCEL |
|  | ACOE WETLANDS LINE |
|  | EXISTING EASEMENT |
|  | EXISTING MAJOR CONTOUR |
|  | EXISTING MINOR CONTOUR |
|  | EXISTING SPOT GRADE |
|  | EXISTING FENCE |
|  | EXISTING STONE WALL |
|  | EXISTING TREE LINE |
|  | EXISTING OVERHEAD WIRES |
|  | EXISTING UNDERGROUND SEWER LINE |
|  | EXISTING UNDERGROUND STORM LINE |
|  | EXISTING DRAINAGE DITCH |
|  | EXISTING HYDRANT |
|  | EXISTING CATCH BASIN |
|  | EXISTING SANITARY SEWER MANHOLE |
|  | EXISTING STORM SEWER MANHOLE |
|  | EXISTING UTILITY POLE |
|  | EXISTING WATER VALVE |
|  | EXISTING GAS VALVE |
|  | EXISTING SIGN |
|  | ROCK OUTCROP |
|  | EXISTING ACCE WETLANDS |
|  | LIMIT OF ASPHALT DITCH REMOVAL |

SHEET INDEX	
SP1:	EXISTING CONDITIONS, REMOVAL, & ALTERATION PLAN
SP2:	SITE PLAN
SP3:	GRADING, UTILITY, & EROSION CONTROL PLAN
SP4:	ODD#W ENTRANCE & DETAILS
SO1	SOILS
SD1:	SITE & STORMWATER DETAILS
SD2:	EROSION CONTROL & LANDSCAPE DETAILS
RW1:	CONCRETE RETAINING WALL & DETAILS
RW2:	GAUSS RETAINING WALL & DETAILS



**CALL BEFORE YOU DIG, DRILL OR BLAST
NO LESS THAN TWO WORKING DAYS NOTICE
IT'S THE LAW!**



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CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

31 Park Street, Philadelphia, New York 10001
Phone (212) 465-1000 Telex (212) 465-1000

Group Study Office: 255 South 7th Minneapolis, Minn 55402 Phone (612) 337-9121	San Rafael Office: 255 Battery Street, Suite 200 San Francisco, California 94102 Phone (415) 398-3557	Seattle District Office: 255 Battery Avenue Seattle, Wash 98101 Phone (206) 325-0550	West County Office: 710 Elm Street West Falls, New York 10990 Phone (201) 892-5100
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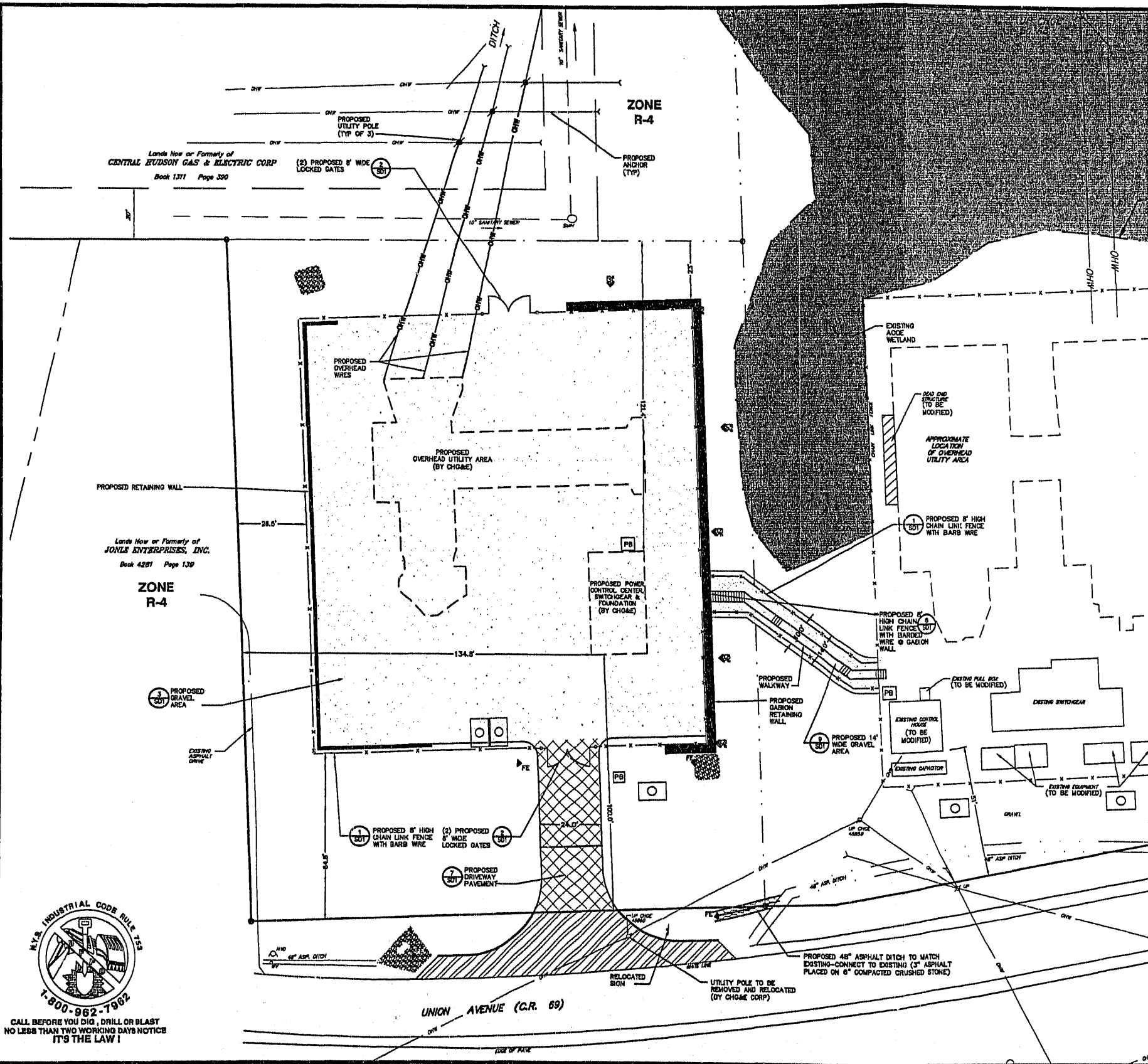
3	11/24/03	REVISED AS PER CHGME COMMENTS
2	11/19/03	REVISED AS PER CHGME COMMENTS
1	8/6/03	UPDATE INDEX
PRFL	date	description

CENTRAL HUDSON GAS & ELECTRIC CORP.

**EXISTING CONDITIONS, REMOVAL, &
ALTERATION PLAN-UNION AVENUE
SUB-STATION ALTERATION**

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn M.C.	checked
date 1/30/03	scale 1"=40'
project no. 60210	
sheet no. SP1	



LEGEND:

- NO PHYSICAL BOUNDS
- ADJACENT PROPERTY LINE
- ADGE WETLANDS LINE
- ADGE WETLANDS
- EXISTING FENCE
- EXISTING STONE WALL
- EXISTING OVERHEAD WIRES
- EXISTING HYDRANT
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM SEWER MANHOLE
- EXISTING UTILITY POLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING SIGN
- EXISTING BUILDING/STRUCTURAL/UTILITY AREA
- PROPOSED BUILDING/STRUCTURAL/UTILITY AREA
- PROPOSED RETAINING WALL
- PROPOSED GRAVEL PAD/PATH
- PROPOSED DRIVEWAY PAVEMENT
- PROPOSED ASPHALT PAVING
- PROPOSED FENCE W/BARBED WIRE
- PROPOSED END SECTION WITH RIP RAP APRON
- PROPOSED ASPHALT SWALE
- PROPOSED PULLBOX
- PROPOSED MANHOLE

OWNER/APPLICANT

CENTRAL HUDSON GAS & ELECTRIC CORP.
284 SOUTH AVENUE
POUGHKEEPSIE, NEW YORK, 12601

ZONE

R-4: SUBURBAN RESIDENTIAL

SITE PLAN NOTES:

- NOTIFY TOWN ENGINEER 48 HOURS PRIOR TO INITIATION OF ANY WORK ON THE SITE.
- IF BLASTING IS FOUND TO BE NECESSARY, ALL BLASTING OPERATIONS SHALL ADHERE TO NEW YORK STATE AND THE TOWN OF NEW WINDSOR ORDINANCES GOVERNING THE USE OF EXPLOSIVES. THE STATE REGULATIONS ARE CONTAINED IN 12 NYCRR 39 AND INDUSTRIAL CODE 75.3.
- ALL OGDWP PERMITS TO BE OBTAINED.
- ANY ITEM THAT MAY CONFLICT WITH SITE DEVELOPMENT AND WHICH IS NOT IDENTIFIED ON THIS PLAN SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE OWNER.
- PROPOSED LOCATIONS OF CONTROL BUILDINGS, SWITCHGEAR EQUIPMENT, AND OVERHEAD UTILITY AREA SHOWN HEREIN, SUBJECT TO THE APPROVAL OF CENTRAL HUDSON GAS & ELECTRIC CORP.
- PROPOSED PAVEMENT AREA IN OGDWP R.O.W. = 1,775 S.F.
- EXISTING PAVEMENT, CONSISTING OF NEIGHBOR ENCROACHMENT, ACCESS DRIVE AND ASPHALT DITCH: 1,711 S.F. (0.97% OF PARCEL), PROPOSED PAVEMENT, CONSISTING OF ASPHALT SWALE, AND: 1619 S.F. (0.93% OF PARCEL), THEREFORE, COVER AFTER PROPOSED ALTERATION WILL BE 3,330 S.F. (1.10 % OF PARCEL).

TOWN OF NEW WINDSOR ZONING DISTRICT: RESIDENTIAL (R-4) PUBLIC UTILITY **

ZONING REQUIREMENT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	10 ACRES	* 8.94± ACRES OR 302,306± S.F.	* 8.94± ACRES OR 302,306± S.F.
MINIMUM LOT WIDTH	300 FT	452 FT	452 FT
MINIMUM YARDS			
FRONT	100 FT	* 51 FT	* 51 FT
SIDE	100 FT ONE SIDE TOTAL 200 FT	250 FT 181± FT	135± FT, 181± FT
REAR	100 FT	>100 FT	>100 FT
BUILDING FOOTPRINT	NA	400± S.F.	1280± SF
FLOOR AREA	NA	400± S.F.	1280± SF
DEVELOPMENT COVERAGE	20%	0.13% ±	0.42% ±
MAXIMUM BUILDINGS HEIGHT	18 FT	<18 FT	<18 FT

* EXISTING NON CONFORMITY

** SINCE THIS USE IS NOT PERMITTED IN R-4 ZONING DISTRICT, THE REQUIREMENTS FOR PUBLIC UTILITIES IN OTHER DISTRICTS WERE APPLIED.



CALL BEFORE YOU DIG, DRILL OR BLAST
NO LESS THAN TWO WORKING DAYS NOTICE
IT'S THE LAW!



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ALTERATION OF THIS DRAWING, EXCEPT BY A LICENSED P.E. IS PROHIBITED. ANY ALTERATION OF A P.E. MUST BE INDICATED AND BEAR THE APPROPRIATE SEAL, SIGNATURE AND DATE OF ALTERATION.

THE
Chazen
COMPANIES
Engineers/Surveyors
Planners
Environmental Scientists

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

85 Tux Street, Poughkeepsie, New York 12601
Phone: (845) 464-2000 Fax: (845) 464-4008

Design/Drawn: GJW/aw
363 Route 174
Haverhill, New York 12520
Phone: (845) 847-1133
New England Office:
89 Derby Street, Suite 200
Chaplin, New York 12820
Phone: (716) 850-1037
Capital District Office:
50 Quaker Avenue
Saratoga Springs, New York 12158
Phone: (518) 830-0000
North Country Office:
110 Glen Street
Glenn Falls, New York 12801
Phone: (518) 918-2913

REV	DATE	DESCRIPTION
4	11/24/03	REVISED AS PER CHGA&E COMMENTS
3	11/19/03	REVISED AS PER CHGA&E COMMENTS
2	9/2/03	REVISED AS PER CHGA&E COMMENTS
1	8/4/03	REVISED AS PER CHGA&E COMMENTS

CENTRAL HUDSON GAS & ELECTRIC CORP.

SITE PLAN UNION AVENUE SUB-STATION ALTERATION

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn	checked
M.G.	G.A./G.P.
date	scale
1/30/03	1"=20'
project no.	
80210	
sheet no.	
SP2	

LEGEND:

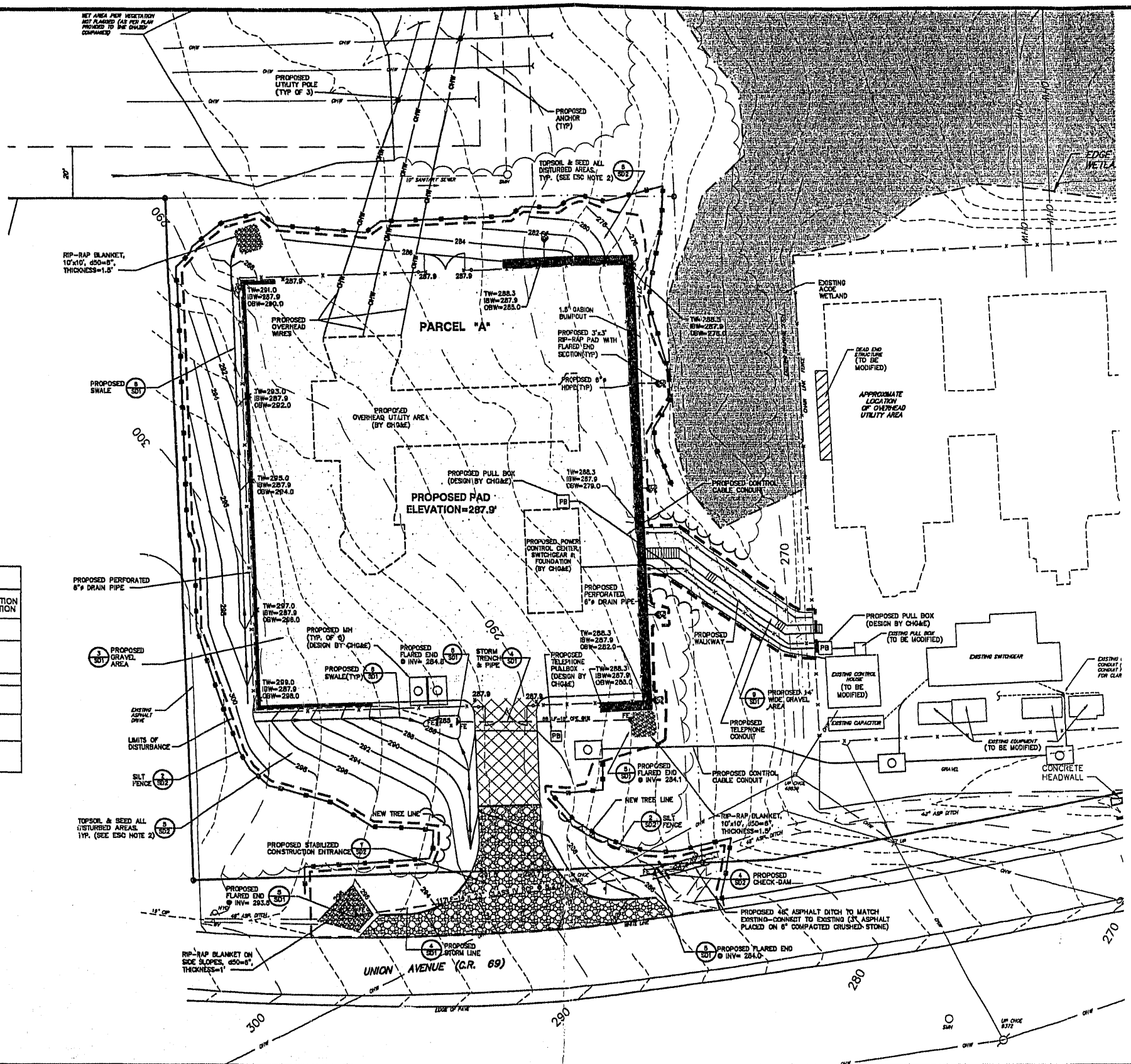
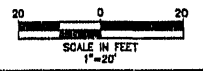
- NO PHYSICAL BOUNDS
- ADJACENT PROPERTY LINE
- ADCE WETLANDS LINE
- EXISTING DRAINAGE DITCH
- ADCE WETLANDS
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SPOT GRADE
- EXISTING FENCE
- EXISTING STONE WALL
- EXISTING TREE LINE
- EXISTING OVERHEAD WIRES
- EXISTING UNDERGROUND SEWER LINE
- EXISTING UNDERGROUND STORM LINE
- EXISTING HYDRANT
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM SEWER MANHOLE
- EXISTING UTILITY POLE
- EXISTING WATER VALVE
- EXISTING GAS VALVE
- EXISTING SIGN
- PROPOSED RETAINING WALL
- PROPOSED GRAVEL PAD/PATH
- PROPOSED DRIVEWAY PAVEMENT
- PROPOSED STABILIZED CONSTRUCTION ENTRANCE
- PROPOSED FENCE W/ BARBED WIRE
- PROPOSED FLARED END WITH RIP RAP PROTECTION
- PROPOSED FLARED END
- PROPOSED SWALE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED UNDERGROUND STORM LINE
- NEW TREE LINE
- LIMITS OF DISTURBANCE
- PROPOSED SILT FENCE
- INSIDE BOTTOM WALL ELEVATION AT GRADE
- OUTSIDE BOTTOM WALL ELEVATION AT GRADE
- PROPOSED CHECK DAM
- PROPOSED ASPHALT SWALE
- PROPOSED ASPHALT SWALE
- PROPOSED PULLBOX
- PROPOSED MANHOLE

GENERAL NOTES:

- CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS OF UTILITIES AND STRUCTURES IN THIS AREA. CONTRACTOR SHALL NOT ASSUME LOCATIONS AS SHOWN ON THIS PLAN ARE CORRECT.
- CONTRACTOR SHALL REFER TO GEOTECHNICAL REPORT FOR SOIL BORING INFORMATION AND CONTROLLED FILL AND COMPACTION RECOMMENDATION.

EROSION AND SEDIMENT CONTROL NOTES:

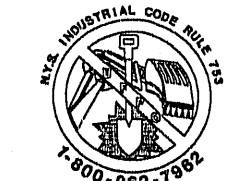
- SEE SHEET S02 FOR EROSION DETAILS AND NOTES.
- ALL DISTURBED AREAS NOT RECEIVING GRAVEL OR PAVEMENT TREATMENT SHALL BE TOPSOILED AND SEEDED. SEE DETAIL 5 ON SHEET S02.



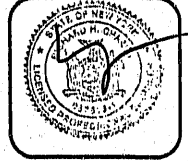
EROSION AND SEDIMENTATION MAINTENANCE SCHEDULE

STRUCTURE	DAILY	WEEKLY	AFTER RAINFALL	NECESSARY TO MAINTAIN FUNCTION	AFTER COMPLETION OF CONSTRUCTION
SILT FENCE BARRIER	---	INSPECT	INSPECT	SEE SHEET S02	REMOVE *
STABILIZED CONSTRUCTION ENTRANCE	INSPECT	---	INSPECT	SEE SHEET S02	REMOVE *
STRAW BALES	---	INSPECT	INSPECT	SEE SHEET S02	REMOVE *
DUST CONTROL	INSPECT	---	---	SEE SHEET S02	N/A
VEGETATIVE ESTABLISHMENT	---	INSPECT	INSPECT	SEE SHEET S02	PERMANENT
RIP-RAP OUTLET PROTECTION	---	INSPECT	INSPECT	SEE SHEET S02	PERMANENT

* AFTER COMPLETION OF CONSTRUCTION, ALL REMOVALS MUST BE APPROVED BY CH2M HILL ENVIRONMENTAL MONITOR PRIOR TO REMOVAL.

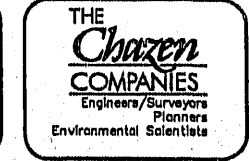


CALL BEFORE YOU DIG, DRILL OR BLAST
NO LESS THAN TWO WORKING DAYS NOTICE
IT'S THE LAW!



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REV.	DATE	DESCRIPTION
6	11/24/03	REVISED AS PER CH2M COMMENTS
5	11/18/03	REVISED AS PER CH2M COMMENTS
4	9/2/03	REVISED AS PER CH2M COMMENTS
3	8/4/03	REVISED AS PER CH2M COMMENTS
2	3/7/03	REVISED AS PER CH2M COMMENTS
1	3/7/03	REVISED AS PER CH2M COMMENTS

CENTRAL HUDSON GAS & ELECTRIC CORP.

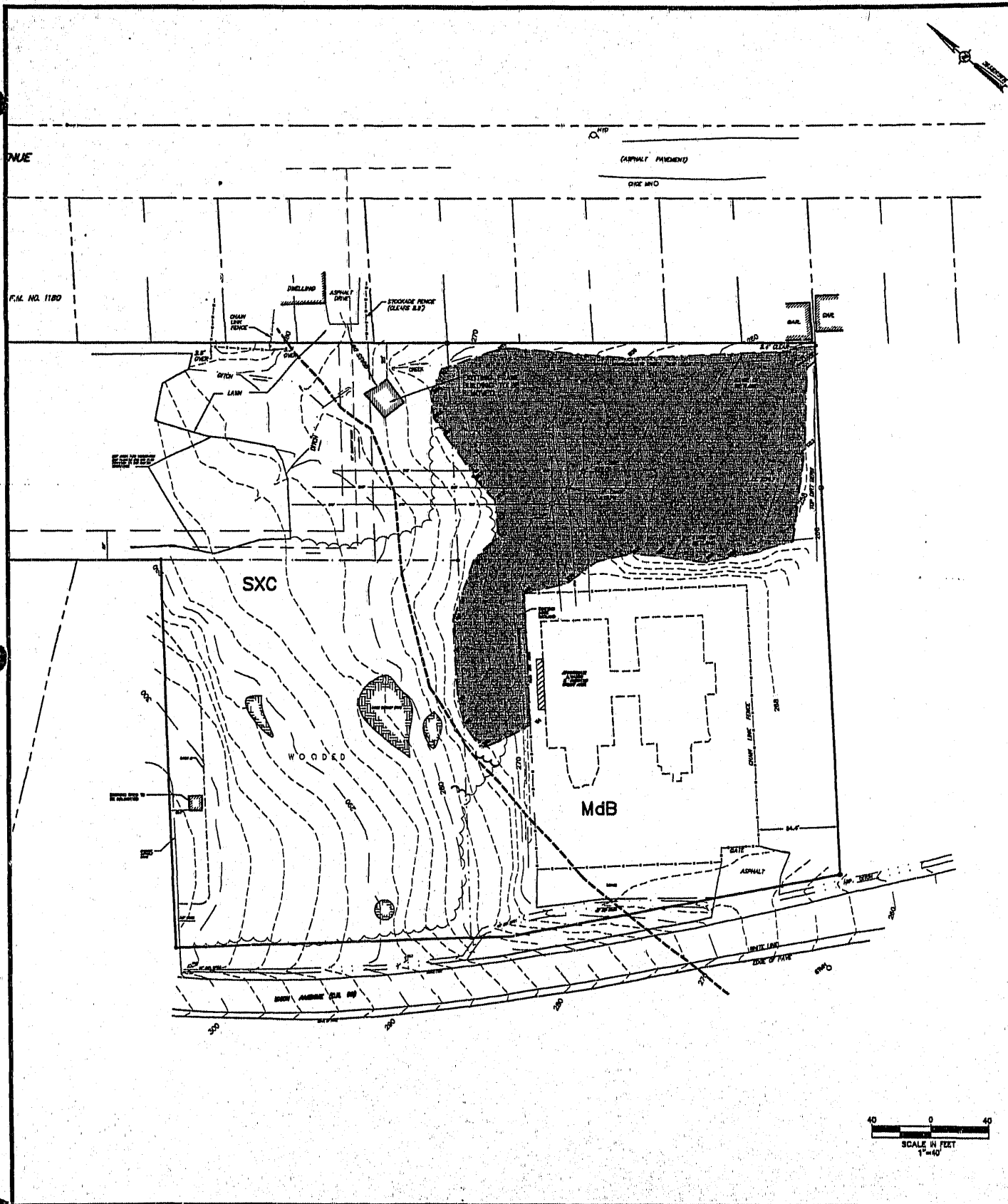
GRADING, UTILITY & EROSION CONTROL PLAN

UNION AVENUE

SUB-STATION ALTERATION

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn: M.G. checked: GA/CP
date: 1/30/03 scale: 1"=20'
project no.: 60210
sheet no.: SP3



SCALE IN FEET
1"=40'

LEGEND:

---	NO PHYSICAL BOUNDS
---	ADJACENT PROPERTY LINE
---	ADCE WETLANDS LINE
---	EXISTING EASEMENT
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	EXISTING SPOT GRADE
---	EXISTING FENCE
---	EXISTING STONE WALL
---	EXISTING TREE LINE
---	EXISTING OVERHEAD WIRES
---	EXISTING UNDERGROUND SEWER LINE
---	EXISTING UNDERGROUND STORM LINE
---	EXISTING DRAINAGE DITCH
---	EXISTING HYDRANT
---	EXISTING WATER VALVE
---	EXISTING GAS VALVE
---	EXISTING SIGN
---	ROCK OUTCROP
---	EXISTING ADCE WETLANDS
---	UNIT OF ASPHALT DITCH REMOVAL
---	WETLAND FLAG
---	SOIL BOUNDARY
MdB	SOIL DESIGNATION

SYMBOL	DESCRIPTION	HYDROLOGIC SOIL GROUP
MdB	MARDIN, GRAVELLY SILT LOAM	C
SXC	SWARTSWOOD AND MARDIN, VERY STONY SOILS	C



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THE Chazen COMPANIES
Engineers/Surveyors
Planners
Environmental Scientists

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New York, New York 10003
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Westchester County Office
100 Main Street
Yonkers, New York 10701
Phone: (914) 967-1133

North Country Office
110 Elm Street
Massena, New York 13661
Phone: (518) 812-0013

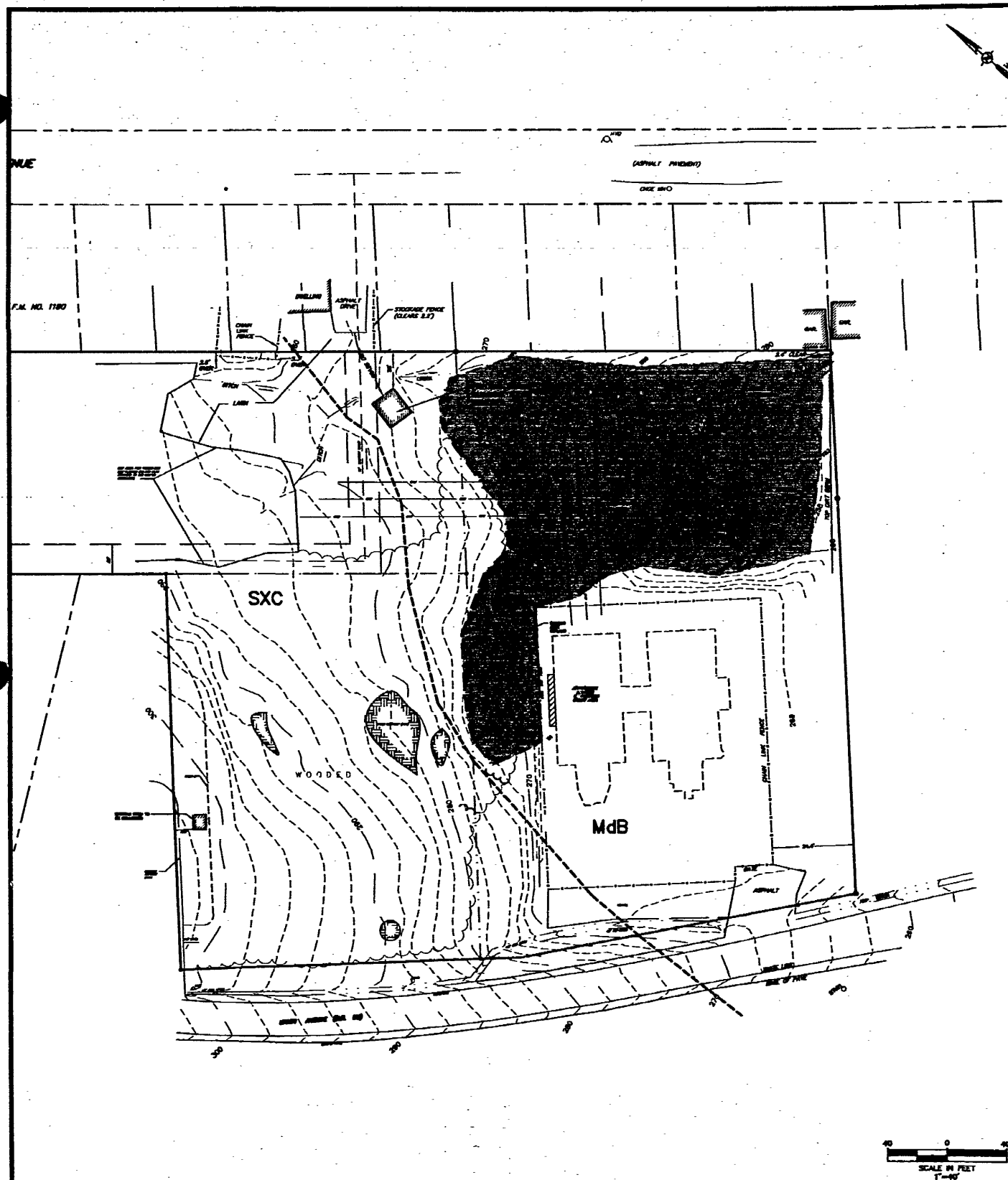
REV.	DATE	DESCRIPTION
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1	11/19/03	NO CHANGE

CENTRAL HUDSON GAS & ELECTRIC CORP.

SOILS
UNION AVENUE
SUB-STATION ALTERATION

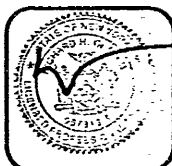
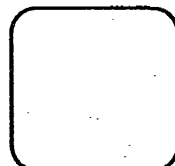
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn	AM	checked
date	03/31/03	scale
project no.	80210.00	
sheet no.	S01	



- LEGEND:**
- NO PHYSICAL BOUNDS
 - ADJACENT PROPERTY LINE
 - ACCE WETLANDS LINE
 - EXISTING EASEMENT
 - EXISTING MAJOR CONTOUR
 - EXISTING MINOR CONTOUR
 - EXISTING SPOT GRADE
 - EXISTING FENCE
 - EXISTING STONE WALL
 - EXISTING TREE LINE
 - EXISTING OVERHEAD WIRES
 - EXISTING UNDERGROUND SEWER LINE
 - EXISTING UNDERGROUND STORM LINE
 - EXISTING DRAINAGE DITCH
 - OR —
 - EXISTING HYDRANT
 - EXISTING WATER VALVE
 - EXISTING GAS VALVE
 - EXISTING SIGN
 - ROCK OUTCROP
 - EXISTING ACCE WETLANDS
 - LIMIT OF ASPHALT DITCH REMOVAL
 - WETLAND FLAG
 - SOIL BOUNDARY
 - MdB SOIL DESIGNATION

SYMBOL	DESCRIPTION	HYDROLOGIC SOIL GROUP
MdB	MARDIN, GRAVELLY SILT LOAM	C
SXC	SWARTSWOOD AND MARDIN, VERY STONY SOILS	C



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REV.	DATE	DESCRIPTION
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1	11/19/03	NO CHANGE

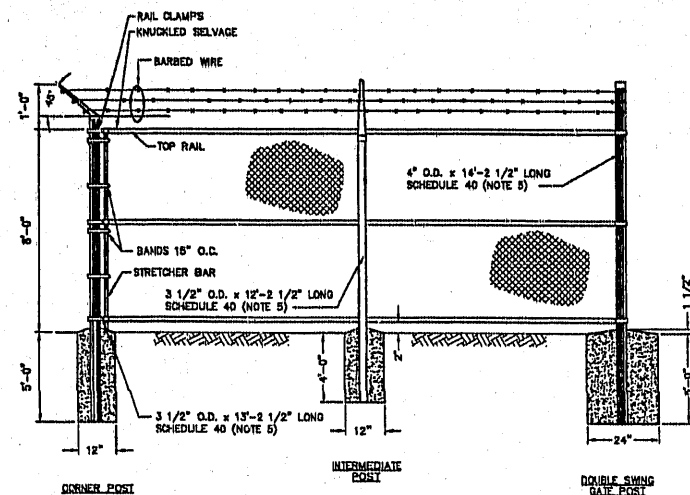
CENTRAL HUDSON GAS & ELECTRIC CORP.

SOILS
UNION AVENUE
SUB-STATION ALTERATION

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Drawn: AM
 Date: 03/31/03
 Project No.: 60210.00
 Sheet No.: S01

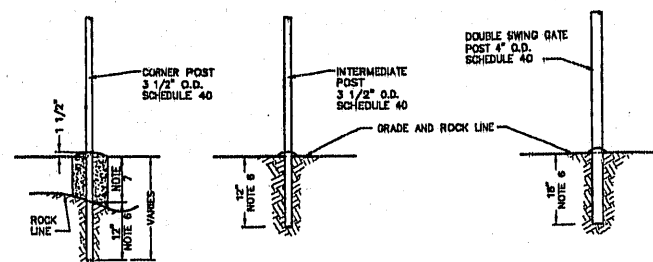
SITE DETAILS



- NOTES**
1. BOTTOM OF POST TO BE FLUSH WITH BOTTOM OF FORM.
 2. CONCRETE MIX TO BE 1:1 1/2 :3 WITH SMALL AGGREGATE.
 3. CONCRETE TO BE ROUNDED OFF SMOOTH TO FORM 1 1/2" RAIN SHED AS SHOWN. MAX. 12" LONG NOTBOUTE MAY BE USED AT TOP OF HOLE TO PROVIDE NEAT APPEARANCE.
 4. BOTTOM OF MESH TO BE 2" ABOVE FINISHED GRADE.
 5. LENGTH OF POSTS ARE SHOWN FOR 5'-0" HIGH FENCE.

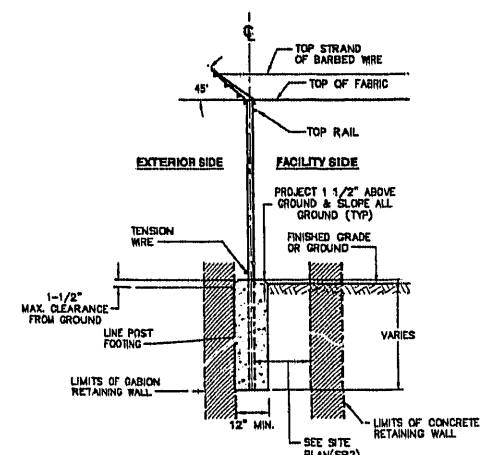
1
S01

8' CHAIN LINK FENCE DETAIL
SCALE: N.T.S.

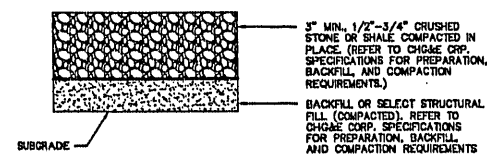


- ### NOTES
1. BOTTOM OF POST TO BE FLUSH WITH BOTTOM OF FORM.
 2. CONCRETE MIX TO BE 1:1 1/2 :3 WITH SMALL AGGREGATE.
 3. CONCRETE TO BE ROUNDED OFF SMOOTH TO FORM 1 1/2" RAIN SHED AS SHOWN.
MAX. 12" LONG SOUTUBE MAY BE USED AT TOP OF HOLE TO PROVIDE NEAT APPEARANCE.
 4. BOTTOM OF MESH TO BE 2" ABOVE TOP OF FORM AND FINISHED GRADE.
 5. ROCK DRILLED HOLES TO BE 1" LARGER THAN THE O.D. OF POSTS.
 6. USE EPOXY CEMENT MIX. AS PER MANUFACTURER'S INSTRUCTIONS,
FOR GROUTING IN THE POSTS.
 7. ON ALL POSTS WHERE THE ROCK LINE IS GREATER THAN 12" BELOW FINISHED
GRADE, FILL HOLE ABOVE ROCK WITH CONCRETE. (SEE NOTES 2&3)

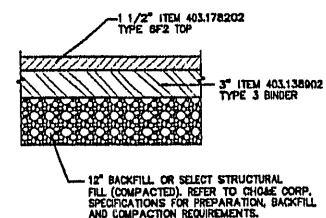
DETAILS FOR POSTS SET IN ROCK (IF NECESSARY)
SCALE: N.T.S.



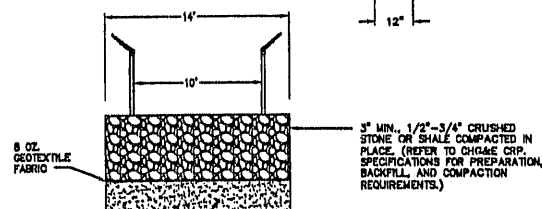
CHAIN LINK FENCE SECTION (TYP.)
SCALE: N.T.S.



3 GRAVEL PAD DETAIL
SD1 SCALE: N.T.S.

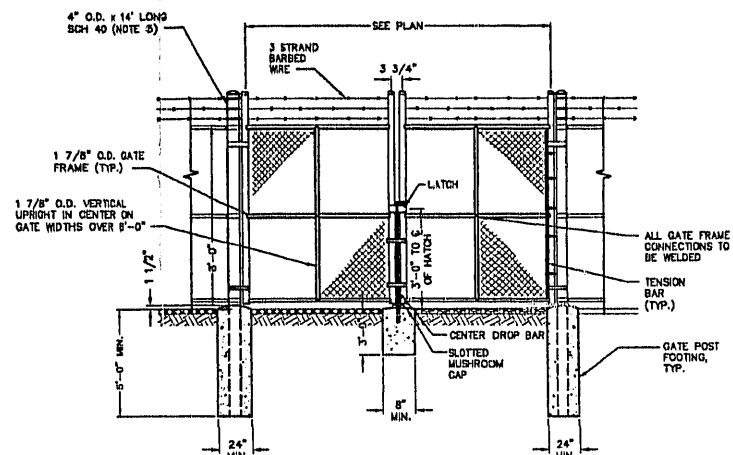
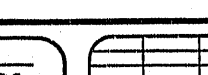


7 DRIVEWAY PAVEMENT DETAIL
SD1 SCALE: NTS



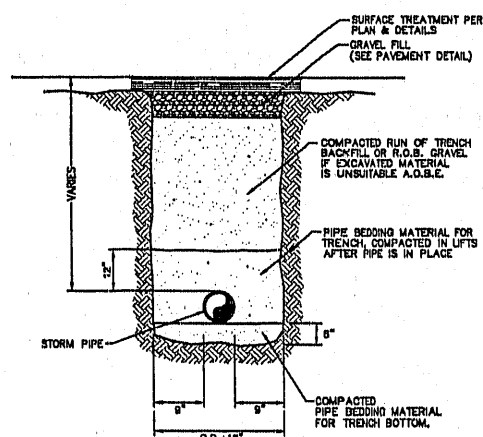
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SD1

GRAVEL PATH DETAIL
SCALE: N.T.S.



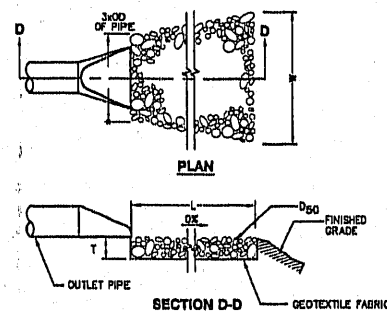
- ### NOTES
1. BOTTOM OF POST TO BE FLUSH WITH BOTTOM OF FORM.
 2. CONCRETE MIX TO BE 1:1 1/2 :3 WITH SMALL AGGREGATE.
 3. CONCRETE TO BE ROUNDED OFF SMOOTH TO FORM 1 1/2" RAIN SHED AS SHOWN.
MAX. 12" LONG SLOTTING MAY BE USED AT TOP OF HOLE TO PROVIDE NEAT APPEARANCE.
 4. BOTTOM OF MESH TO BE 2" ABOVE FINISHED GRADE.
 5. LENGTH OF POSTS ARE SHOWN FOR 6'-0" HIGH FENCE.

2 DOUBLE SWING GATE
SD1 SCALE: N.T.S.



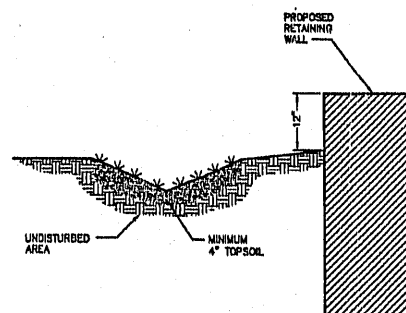
- NOTE:**
1. PIPE BEDDING MATERIAL SHALL BE COMPOSED OF CRUSHED STONE OR GRAVEL, FREE OF SOFT NONDURABLE PARTICLES, ORGANIC MATERIAL AND THIN OR ELONGATED PARTICLES WITH THE FOLLOWING GRADATION REQUIREMENTS:
- | <u>SIEVE DESIGNATION</u> | <u>% PASSING</u> |
|--------------------------|------------------|
| 2" | 100 |
| 1" | 85-100 |
| 3/4" | 0-15 |
| NO. 40 | 0-5 |
2. BEDDING MATERIAL SHALL BE STOCKPILED.

4 STORM TRENCH DETAIL
SD1 SCALE: N.T.S.




- NOTE:**
FLARED END SECTION MATERIAL TO MATCH PIPE

FLARED END SECTION WITH
RIPRAP OUTLET PROTECTION DETAIL
SCALE: N.T.S.



1. MINIMUM DEPTH OF SWALE SHALL BE 12".
2. SWALE SHALL BE AT LEAST 4 FEET WIDE AT TOP.
3. SWALE SHALL BE SEEDED AND MULCHED WITH FAST GERMINATING RYE 15 LBS. TO 25 LBS. PER 1,000 SQ. FT.
4. SLOPE OF SWALE SHALL BE MINIMUM 2%.



6
SD1

SWALE DETAIL
SCALE: N.Y.S.

STORMWATER DETAILS

CH Energy Group, Inc.
Central Hudson Gas & Electric Corporation



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6	11/24/03	REVISED AS PER CHQ&E COMMENTS
4	11/19/03	REVISED AS PER CHQ&E COMMENTS
3	9/2/03	REVISED AS PER CHQ&E COMMENTS
2	8/4/03	REVISED AS PER CHQ&E COMMENTS
1	3/24/03	REVISED AS PER CHQ&E COMMENTS
REV.	date	description

CENTRAL HUDSON GAS & ELECTRIC CORP.

SITE & STORMWATER DETAILS

UNION AVENUE

SUB STATION ALTERATION

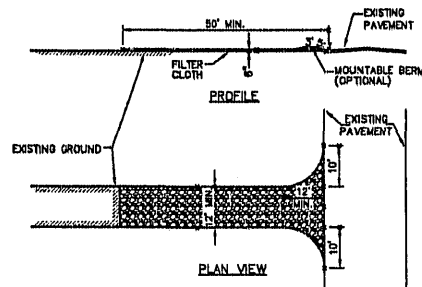
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK



CALL BEFORE YOU DIG, DRILL OR BLAST
NO LESS THAN TWO WORKING DAYS NOTICE
IT'S THE LAW!

drawn M.C.	checked G.A./
date 1/30/03	soils N.T.
project no. 80210	
sheet no. SD1	

EROSION AND SEDIMENT CONTROL DETAILS

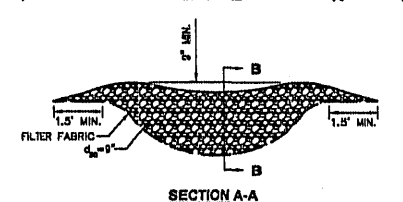
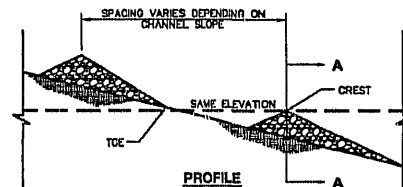


CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 2" STONE.
2. LENGTH - AS REQUIRED, BUT NOT LESS THAN 50 FEET.
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY FOUR (24) FOOT MINIMUM IF THERE IS ONLY ONE ACCESS TO THE SITE.
5. FILTER CLOTH - SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER CLOTH SHALL BE CONTECH NON-WOVEN GEOTEXTILE C-60NW OR APPROVED EQUAL.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
8. PERIODIC INSPECTION AND NECESSARY MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

1 STABILIZED CONSTRUCTION ENTRANCE

SCALE: N.T.S.

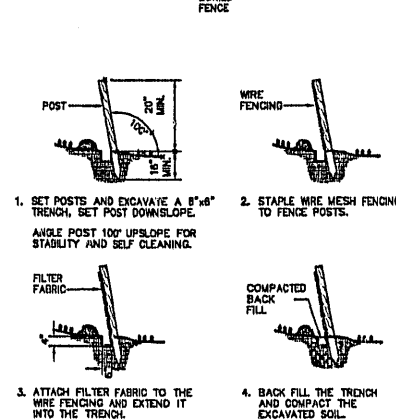
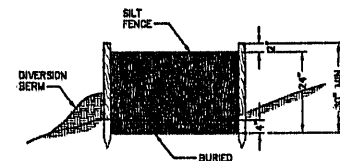


CONSTRUCTION SPECIFICATIONS

1. STONE SHALL BE PLACED ON A FILTER FABRIC FOUNDATION.
2. SET SPACING OF CHECK DAMS SUCH THAT THE ELEVATIONS OF THE DOWNSTREAM DAM ARE AT THE SAME ELEVATION OF THE TOE OF THE UPSTREAM DAM.
3. EXTEND THE STONE A MINIMUM OF 1.5 FEET BEYOND THE DITCH BANKS TO PREVENT CUTTING AROUND THE DAM.
4. PROTECT THE CHANNEL DOWNSTREAM OF THE LOWEST CHECK DAM FROM SCOUR AND EROSION WITH STONE OR LINER AS APPROPRIATE.

4 CHECK DAM

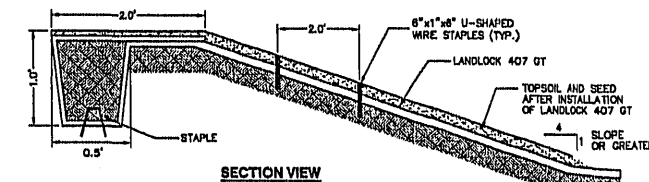
SCALE: N.T.S.



1. SILT FENCING SHALL BE PLACED IN ACCORDANCE WITH NEW YORK STATE GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL.
2. SILT FENCE SHALL BE GEOTEX 9145C OR APPROVED EQUAL.

2 PLACEMENT AND CONSTRUCTION OF A SYNTHETIC FILTER BARRIER

SCALE: N.T.S.



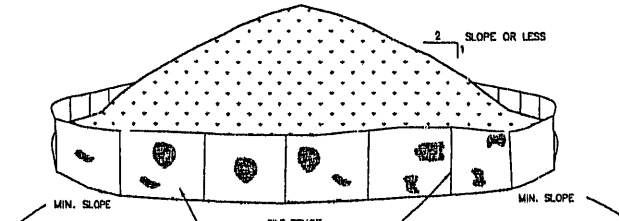
1. GRADE AND COMPACT AREA OF INSTALLATION, REMOVING ALL ROCKS, VEGETATION, ETC.
2. TOPSOIL + SEED AREA. SEE LANDSCAPING DETAILS.
3. EXTEND BLANKET 2'-0\"/>

ANCHORING DETAIL - PLAN VIEW

SCALE: N.T.S.

LANDLOCK 407 GT EROSION CONTROL BLANKET DETAIL (IF NECESSARY)

SCALE: N.T.S.



INSTALLATION NOTES

1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1 : 2.
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH OTHER SILT FENCING OR HAY BALES, THEN STABILIZED WITH VEGETATION OR COVERED, AS NECESSARY.
4. SEE SPECIFICATIONS FOR INSTALLATION OF SILT FENCE.

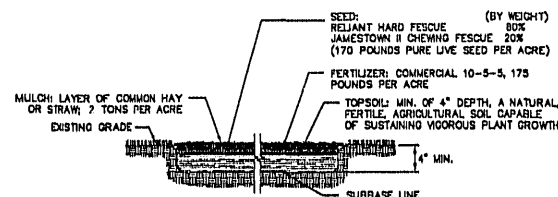
3 SOIL STOCK PILE DETAIL

SCALE: N.T.S.

MAINTENANCE OF EROSION CONTROL MEASURES

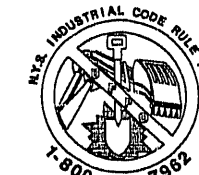
1. STABILIZED CONSTRUCTION ENTRANCE: INSPECT THE ENTRANCE PAD EVERY SEVEN DAYS AND AFTER EVERY STORM EVENT THAT EQUALS OR EXCEEDS 1/2 INCH. CHECK FOR MUD, SEDIMENT BUILDUP, AND PAD INTEGRITY. MAKE DAILY INSPECTIONS DURING WET WEATHER. RESHAPE PAD AS NEEDED FOR DRAINAGE AND RUNOFF CONTROL. WASH AND REPLACE STONE AS NEEDED. THE STONE IN THE ENTRANCE SHOULD BE WASHED OR REPLACED WHENEVER THE ENTRANCE FAILS TO REDUCE MUD BEING CARRIED OFF-SITE BY VEHICLES. IMMEDIATELY REMOVE MUD AND SEDIMENT TRACKED OR WASHED ONTO PUBLIC ROADS BY BRUSHING OR SWEEPING. REMOVE TEMPORARY CONSTRUCTION ENTRANCE AS SOON AS THEY ARE NO LONGER NEEDED TO PROVIDE ACCESS TO THE SITE.
2. SILT FENCE: INSPECT FOR DAMAGE EVERY SEVEN DAYS AND AFTER EVERY STORM EVENT THAT EQUALS OR EXCEEDS 1/2 INCH. MAKE ALL REPAIRS IMMEDIATELY. REMOVE SEDIMENT FROM THE UP-SLOPE FACE OF THE FENCE BEFORE IT ACCUMULATES TO A HEIGHT EQUAL TO 1/2 THE HEIGHT OF THE FENCE. IF FENCE FABRIC TEARS, BEGINS TO DECOMPOSE, OR IN ANY WAY BECOMES INEFFECTIVE, REPLACE THE AFFECTED SECTION OF FENCE IMMEDIATELY. REMOVE SILT FENCE AS PER APPROVAL OF CH2M ENVIRONMENTAL MONITOR.
3. SOIL STOCKPILES: INSPECT SEDIMENT CONTROL BARRIERS (SILT FENCE OR HAYBALE) AND VEGETATION FOR DAMAGE EVERY SEVEN DAYS AND AFTER EVERY STORM EVENT THAT EQUALS OR EXCEEDS 1/2 INCH. MAKE ALL REPAIRS IMMEDIATELY. REMOVE SEDIMENT FROM THE UP-SLOPE FACE OF THE SEDIMENT CONTROL BARRIER BEFORE IT ACCUMULATES TO A HEIGHT EQUAL TO 1/3 THE HEIGHT OF THE SEDIMENT CONTROL BARRIER. IF SEDIMENT CONTROL BARRIER TEARS, BEGINS TO DECOMPOSE, OR IN ANYWAY BECOMES INEFFECTIVE, REPLACE THE AFFECTED SECTION OF SEDIMENT CONTROL BARRIER IMMEDIATELY. REVEGETATE DISTURBED AREA TO STABILIZE SOIL STOCK PILE. REMOVE THE SEDIMENT CONTROL BARRIER WHEN THE SOIL STOCKPILE HAS BEEN REMOVED.
4. DUST CONTROL: SCHEDULE CONSTRUCTION OPERATIONS TO MINIMIZE THE AMOUNT OF DISTURBED AREAS AT ANY ONE TIME DURING THE COURSE OF WORK. APPLY TEMPORARY SOIL STABILIZATION PRACTICES SUCH AS MULCHING, SEEDING, AND SPRAYING (WATER). STRUCTURAL MEASURES (MUD-SEEDING) SHALL BE INSTALLED IN DISTURBED AREAS BEFORE SIGNIFICANT BLOWING PROBLEMS DEVELOP. WATER SHALL BE SPRAYED AS NEEDED, REPEAT AS NEEDED, BUT AVOID EXCESSIVE SPRAYING, WHICH COULD CREATE RUNOFF AND EROSION PROBLEMS.
5. CHECK DAM: INSPECT CHECK DAMS EVERY SEVEN DAYS AND AFTER EVERY STORM EVENT THAT EQUALS OR EXCEEDS 1/2 INCH. IF SIGNIFICANT EROSION HAS OCCURRED BETWEEN STRUCTURES A LINER OF STONE OR OTHER SUITABLE MATERIAL SHOULD BE INSTALLED IN THAT PORTION OF THE CHANNEL. REMOVE SEDIMENT ACCUMULATED BEHIND THE DAM AS NEEDED TO ALLOW CHANNEL TO DRAIN THROUGH THE STONE CHECK DAM AND PREVENT LARGE FLOWS FROM CARRYING SEDIMENT OVER THE DAM. REPLACE STONES AS NEEDED TO MAINTAIN THE DESIGN CROSS SECTION OF THE STRUCTURES. REMOVE CHECK DAMS AS PER APPROVAL OF CH2M ENVIRONMENTAL MONITOR.
6. DOWATERING PITS: (IF REQUIRED) - INSPECT DAILY DURING OPERATION FOR CLOGGING OR OVERFLOW. CLEAR INLET AND DISCHARGE PIPES OF OBSTRUCTIONS. IF A FILTER MATERIAL BECOMES CLOGGED WITH SEDIMENT, PIT SHALL BE DISMANTLED AND CONSTRUCT NEW PITS AS NEEDED.

LANDSCAPE DETAILS



5 TOPSOIL, FERTILIZER, SEED, & MULCH

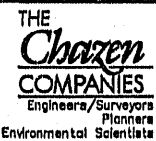
SCALE: N.T.S.



CALL BEFORE YOU DIG, DRILL OR BLAST
NO LESS THAN TWO WORKING DAYS NOTICE
IT'S THE LAW!



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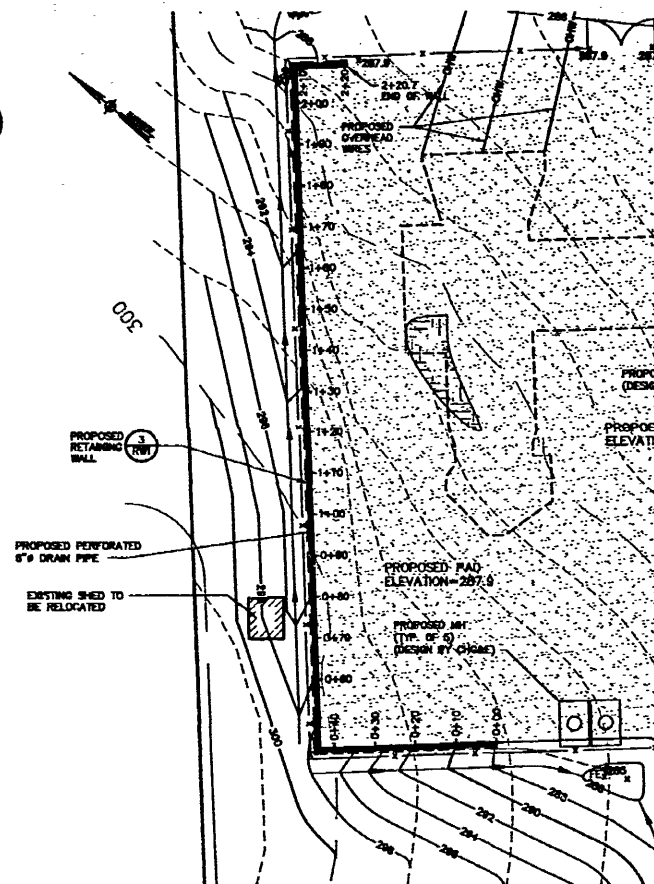


CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

81 Fox Street, Poughkeepsie, New York 12601
Phone (845) 454-3900 Fax (845) 454-4098
Orange County Office: 363 Route 174, Middletown, NY 13450, Phone (845) 867-1133
New England Office: 90 Derby Street, Suite 200, North Andover, MA 01855, Phone (781) 886-1202
Upstate Office: 3000 Route 92, Catskill, NY 12414, Phone (518) 232-5200
North Carolina Office: 110 Glen Wood, Asheville, NC 28801, Phone (813) 812-0913

CENTRAL HUDSON GAS & ELECTRIC CORP.
EROSION CONTROL & LANDSCAPE DETAILS
UNION AVENUE
SUB STATION ALTERATION
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

drawn M.C. checked G.A./C.L.
date 1/30/03 scale N.T.S.
project no. 80210
sheet no. SD2



1 CONCRETE RETAINING WALL PLAN
SCALE: 1"=20'

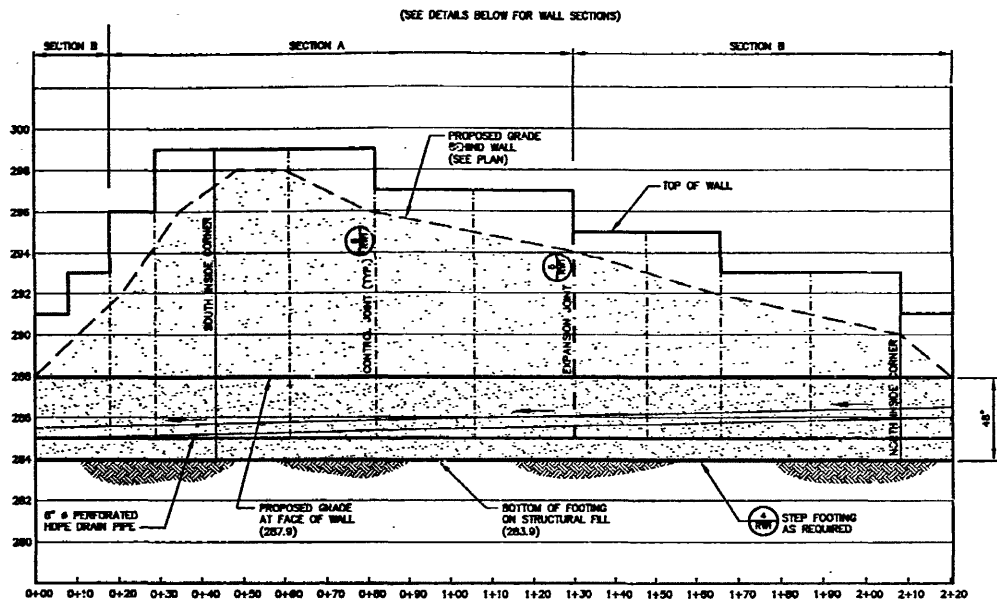
LEGEND:

- NO PHYSICAL BOUNDS
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING ROCK OUTCROP
- PROPOSED RETAINING WALL
- PROPOSED GRAVEL PAD
- PROPOSED FENCE W/BARBED WIRE
- PROPOSED SWALE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED WALL STATIONING

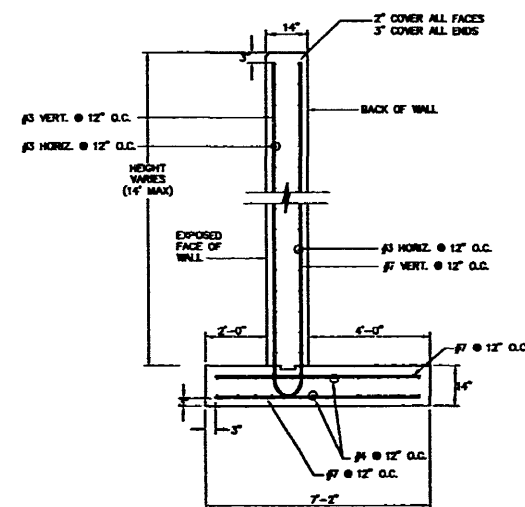
PROFILE LEGEND:

- PROPOSED RETAINING WALL
- PROPOSED GRADE BEHIND WALL
- CONTROL JOINT
- EXPANSION JOINT
- PROPOSED 6\"/>

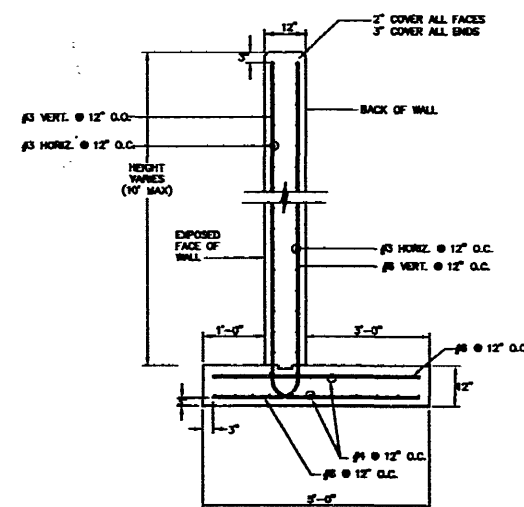
SEE SHEET RW2 FOR CONSTRUCTION
AND RETAINING WALL NOTES.



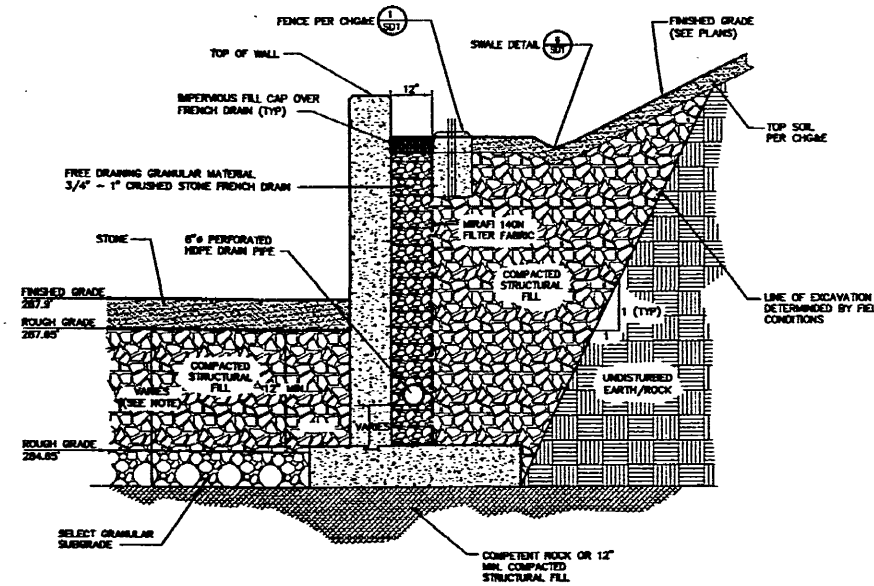
2 CONCRETE WALL PROFILE
SCALE: HORIZ. 1"=20'
VERT. 1"=4'



SECTION A'
SCALE: N.T.S.



SECTION B'
SCALE: N.T.S.

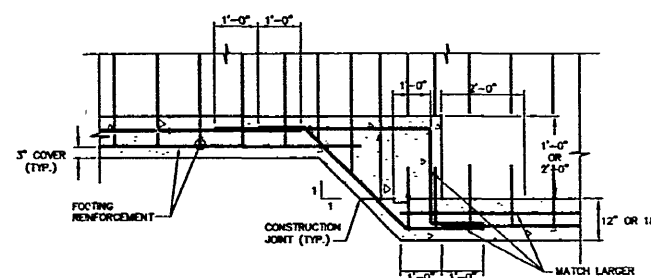


NOTE:
4\"/>

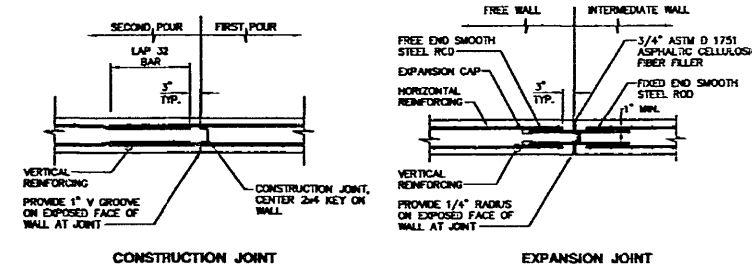
3 TYPICAL CONCRETE WALL SECTION
SCALE: N.T.S.

CAST-IN-PLACE CONCRETE CANTILEVERED RETAINING WALL NOTES:

- 1) CONCRETE FOOTINGS SHALL BE FOUNDED ON SOUND BEDROCK WHERE POSSIBLE. CONCRETE FOOTINGS NOT FOUNDED ON BEDROCK SHALL BE CONSTRUCTED ON 12-INCH MINIMUM LAYER OF COMPACTED STRUCTURAL FILL.
- 2) THE BOTTOM OF FOOTING SHALL BE PLACED A MINIMUM OF 48 INCHES BELOW THE PROPOSED FINAL GRADE IF CONSTRUCTED ON STRUCTURAL FILL.
- 3) FOOTING MAY BE STEPPED IN ONE OR TWO FOOT INCREMENTS AS NECESSARY TO FOUND ON BEDROCK OR TO MAINTAIN A MINIMUM 48-INCH DEPTH IF CONSTRUCTED ON STRUCTURAL FILL.
- 4) CONCRETE SHALL BE 4,000 PSI (28 DAY) COMPRESSIVE STRENGTH. CEMENT: ASTM C150, NORMAL-TYPE I PORTLAND TYPE. FINE AND COARSE AGGREGATES: ASTM C33, COARSE AGGREGATES - CRUSHED STONE, SIZE 3/4 INCH. WATER: CLEAN AND NOT DETRIMENTAL TO CONCRETE. AIR ENTRAINMENT ADMIXTURE: ASTM C260, 5.0%-8.0% AIR ENTRAINMENT. WATER/CEMENT RATIO BY WEIGHT FOR AIR ENTRAINMENT 4,000 PSI CONCRETE: 0.48 MAXIMUM. SLUMP: 3 - 4 INCHES.
- 5) REINFORCING STEEL SHALL BE ASTM A615, 60 KSI YIELD GRADE, DEFORMED BILLET STEEL BARS.
- 6) THE CONTRACTOR SHALL CONSTRUCT AND ERECT CONCRETE FORMWORK IN ACCORDANCE WITH ACI 301, 318 AND 347. THE CONTRACTOR SHALL PLACE CONCRETE CONTINUOUSLY BETWEEN PREDETERMINED EXPANSION, CONTROL AND CONSTRUCTION JOINTS. DO NOT BREAK OR INTERRUPT SUCCESSIVE POURS SUCH THAT COLD JOINTS OCCUR.
- 7) THE CONTRACTOR SHALL PERFORM CONCRETE REINFORCING WORK IN ACCORDANCE WITH ACI 301, ACI 315, ACI 318, ACI 304, ACI 305, AND ACI 306. THE CONTRACTOR SHALL PLACE REINFORCEMENT SUCH THAT IT IS SUPPORTED AGAINST DISPLACEMENT. THE CONTRACTOR SHALL ENSURE REINFORCING STEEL IS CLEAN, FREE OF LOOSE SCALE, DIRT OR OTHER FOREIGN COATINGS. LAP SPICES FOR GRADE 60 BARS SHALL BE CLASS B LAP SPICE LENGTHS OF 80 BAR DIAMETERS. ENDS OF EXPOSED REBAR SHALL BE SAFETY CAPPED.
- 8) THE CONTRACTOR SHALL PERFORM CAST-IN-PLACE CONCRETE WORK IN ACCORDANCE WITH ACI 301, ACI 318, ACI 304, ACI 305, AND ACI 306. THE CONTRACTOR SHALL PLACE CONCRETE CONTINUOUSLY BETWEEN PREDETERMINED EXPANSION, CONTROL AND CONSTRUCTION JOINTS. DO NOT BREAK OR INTERRUPT SUCCESSIVE POURS SUCH THAT COLD JOINTS OCCUR.
- 9) THE CONTRACTOR SHALL FINISH CONCRETE SURFACES IN ACCORDANCE WITH ACI 301 AND ACI 302. UNIFORMLY SPREAD, SCORED, AND FLOAT CONCRETE. FOOTINGS SHALL BE GIVEN A WOOD FLOAT FINISH. MAINTAIN SURFACE FLATNESS, WITH MAXIMUM VARIATION OF 1/8 INCH IN 10 FEET. THE CONTRACTOR SHALL STEEL TROWEL SURFACES THAT WILL BE LEFT EXPOSED. FORMED SURFACES SHALL BE PROVIDED A SMOOTH RUBBED FINISH.
- 10) THE WALLS SHALL BE PROVIDED WITH VERTICAL WEAKENED PLANE CONTROL JOINTS AT BOTH FACES OF THE WALL LOCATIONS AS INDICATED. WEAKENED PLANE CONTROL JOINTS SHALL BE CONSTRUCTED BY CUTTING ALTERNATE LONGITUDINAL BARS AT THE VERTICAL LINE OF THE JOINT. THE CONTRACTOR SHALL UTILIZE 3/8-INCH x 3/8-INCH RUBBER STRIPS AT EITHER FACES, OR USE FORM STRIP OF THE SAME SIZE AND INSTALL SEALANT AFTER FORM REMOVAL.

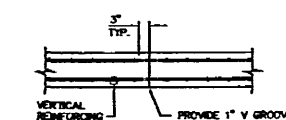


4 1' OR 2' STEP FOOTING DETAIL
SCALE: N.T.S.



CONSTRUCTION JOINT

EXPANSION JOINT



CONTROL JOINT

NOTE:
PROVIDE CONSTRUCTION JOINT AT END OF EACH DAY'S POUR AS REQUIRED.

5 TYPICAL WALL CONSTRUCTION DETAILS
SCALE: N.T.S.



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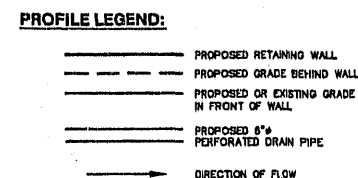
THE CHAZEN COMPANIES
Engineers/Surveyors
Planners
Environmental Scientists

CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.
25 Pine Street, Poughkeepsie, New York 12601
Phone: (845) 454-2222 Fax: (845) 454-2222

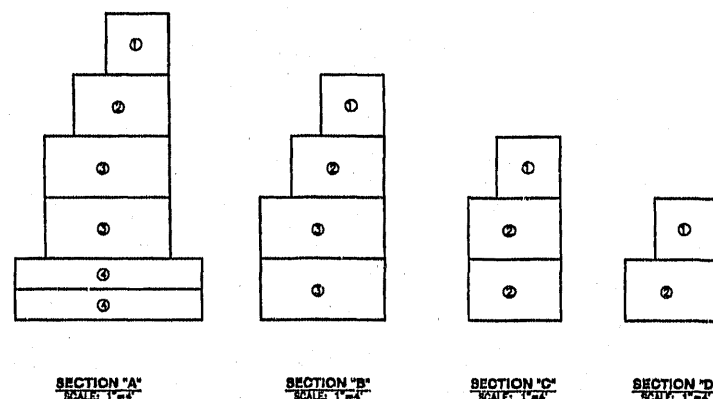
rev.	date	description
3	11/24/03	NO CHANGE
2	11/19/03	NO CHANGE
1	8/27/03	REVISIONS AS PER CHAZEN

CENTRAL HUDSON GAS & ELECTRIC CORP.
CONCRETE RETAINING WALL & DETAILS
UNION AVENUE
SUB STATION ALTERATION
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

Drawn: M.C. checked: G.A./C.L.
date: 5/1/03 scale: N.T.S.
project no.: 60210
sheet no.: RW1



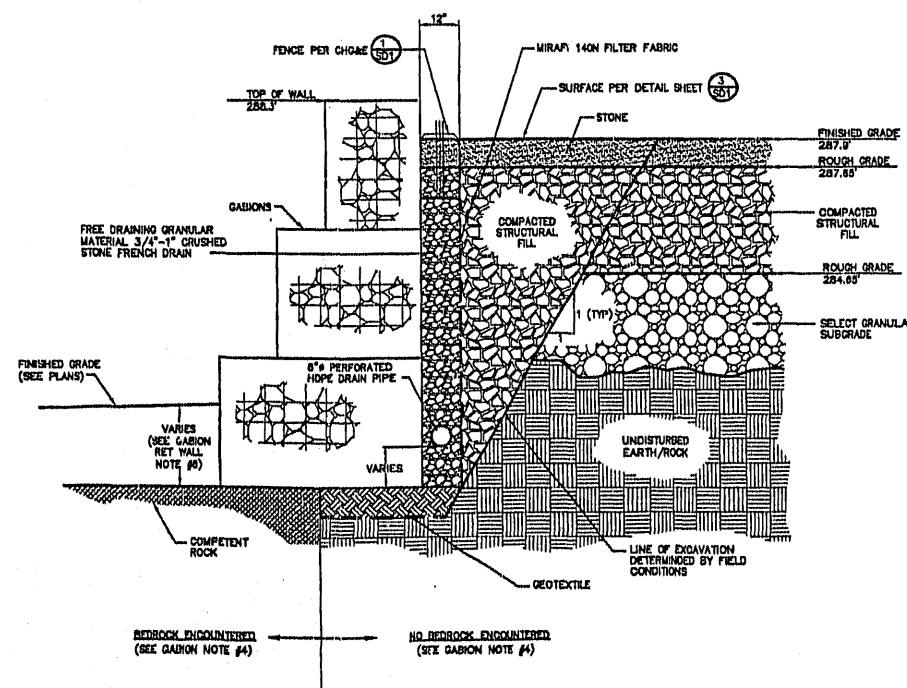
GABION #	WIDTH	HEIGHT
①	3'	3'
②	4.5'	3'
③	6'	3'
④	8'	1.5'



2
RW2

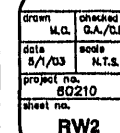
GABION WALL PROFILE

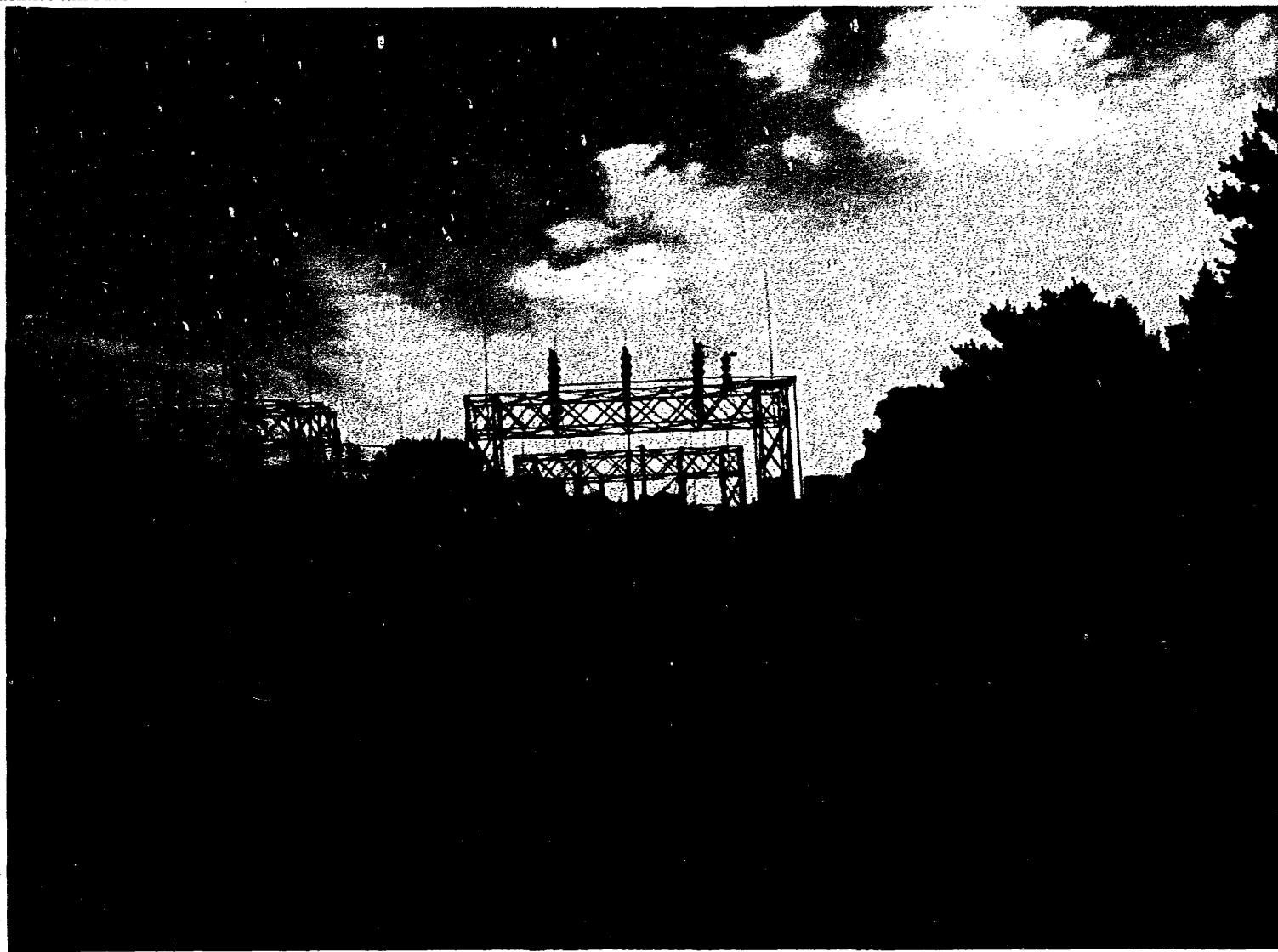
SCALE: HORIZ. 1"=20'
VERT. 1"=4'



3 **TYPICAL GABION WALL SECTION**
RW2 SCALE: N.T.S.

*) Die Informationen sind ausschließlich für die Zwecke der Werbung und des Direktvertriebs bestimmt und werden nicht an Dritte weitergegeben.

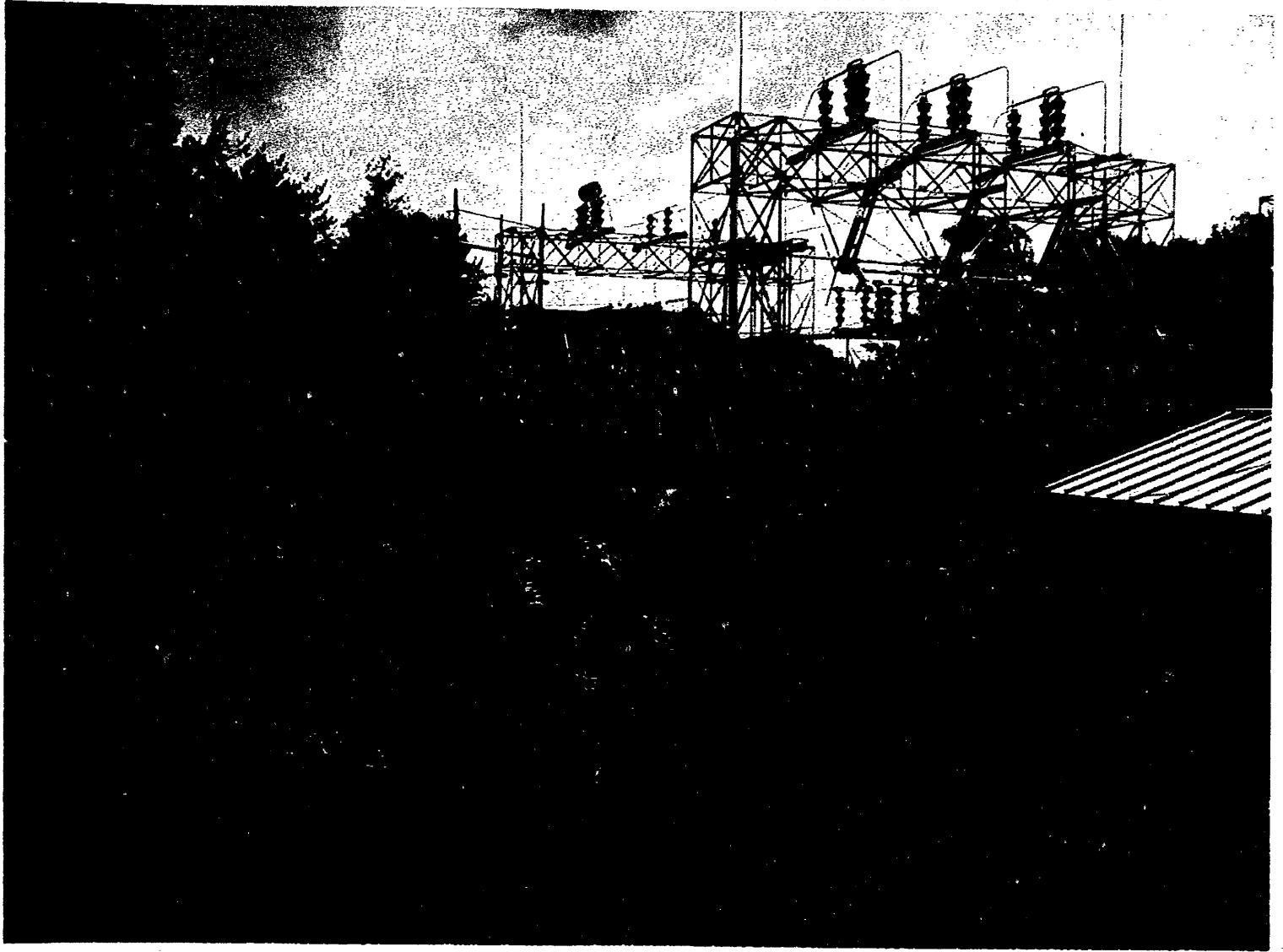


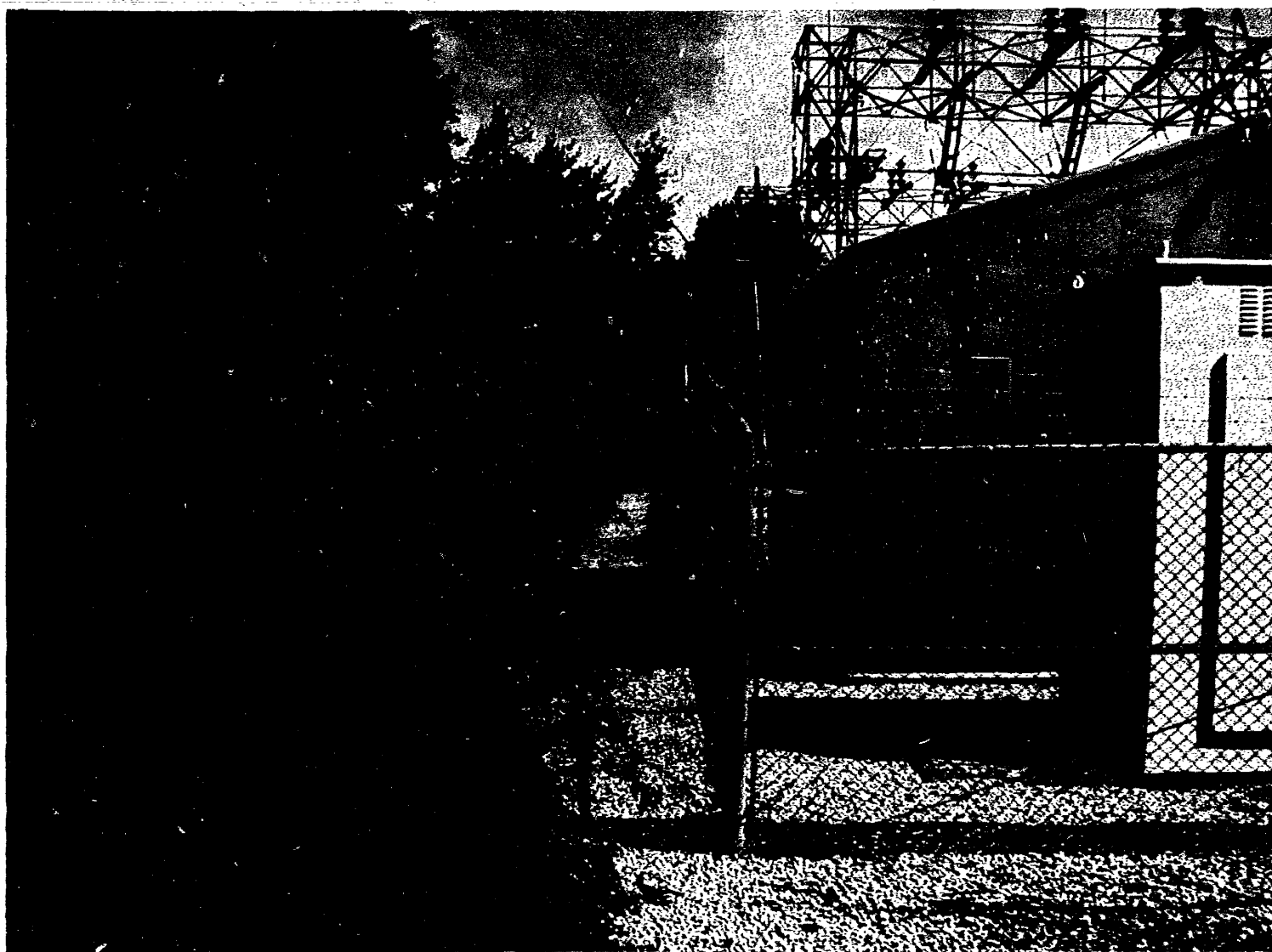


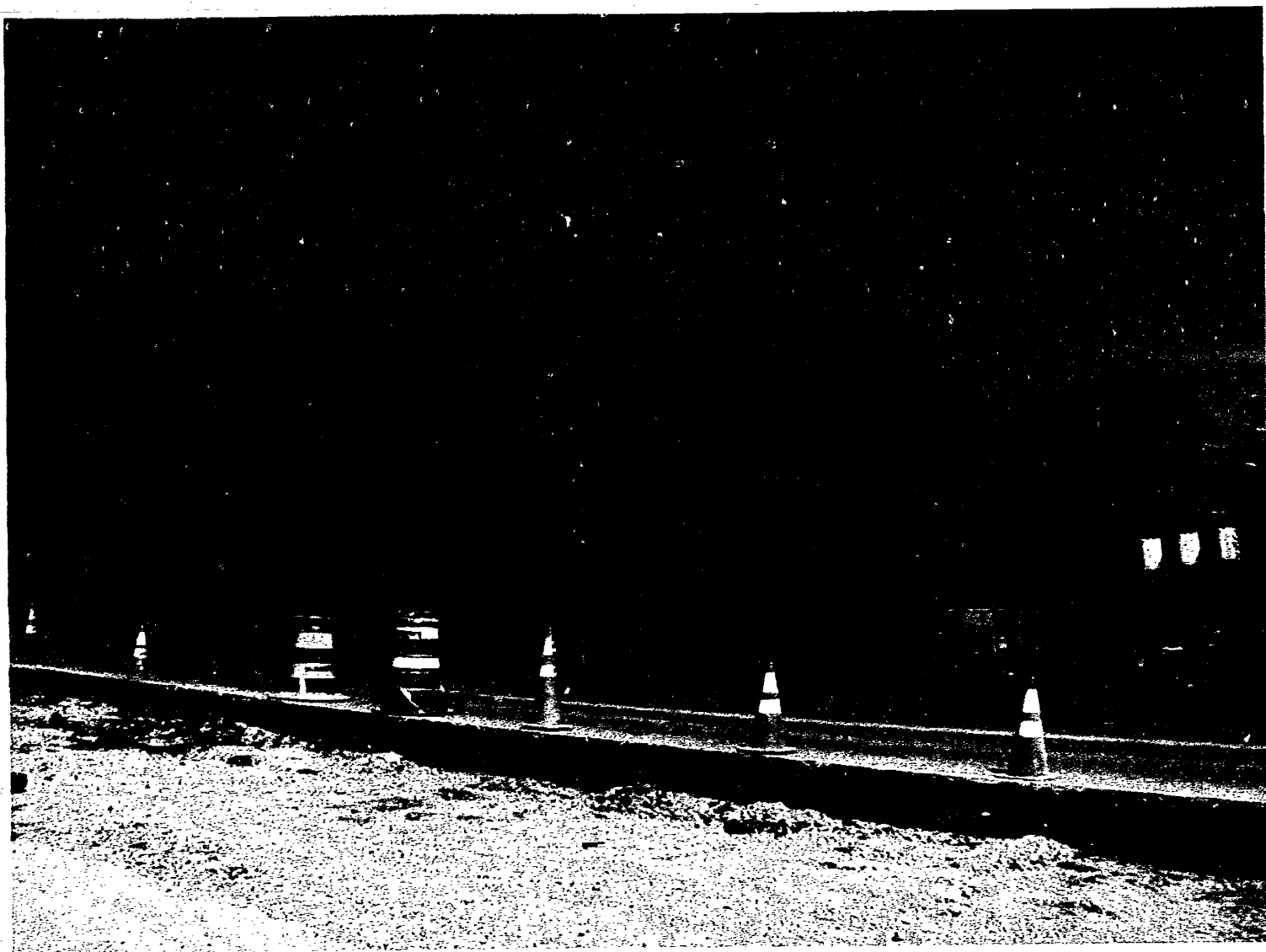












Part 1 Environmental Assessment Form
**CENTRAL HUDSON GAS &
ELECTRIC CORP.**

**Proposed Alterations
to Existing Substation**

Union Avenue
Town of New Windsor
Orange County, New York

November 24, 2003



Prepared by:

**The Dutchess County Office
The Chazen Companies
21 Fox Street
Poughkeepsie, New York 12601**

Dutchess County
(845) 454-3980

Orange County
(845) 567-1133

Capital District
(518) 235-8050

North Country
(518) 812-0513

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY
DETERMINATION OF SIGNIFICANCE - Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonable determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions.

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

John S. Hulband

Signature of Preparer (if different from responsible officer)

Date

PART 1 - PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION			<i>Central Hudson Gas & Electric Corp. Proposed Alterations to Existing Substation</i>		
LOCATION OF ACTION			<i>Union Avenue</i>		
NAME OF APPLICANT/SPONSOR			BUSINESS TELEPHONE		
<i>Central Hudson Gas & Electric Corp. Bob Thomas, Real Estate</i>			<i>(845) 486-5515</i>		
ADDRESS <i>284 South Avenue</i>					
CITY/PO			STATE	ZIP CODE	
<i>Poughkeepsie</i>			<i>NY</i>	<i>12601</i>	
NAME OF OWNER (if different)			BUSINESS TELEPHONE		
<i>Same as Applicant</i>					
ADDRESS					
CITY/PO			STATE	ZIP CODE	
DESCRIPTION OF ACTION					
<i>Proposed alterations to existing substation on a 6.94(+/-) acre site on Union Avenue, including an additional control building, equipment foundations and structure areas.</i>					

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential ☐ Rural (non-farm)
☐ Forest ☐ Agricultural ☒ Other: public utility

2. Total acreage of project area: 6.94(+/-) acres¹

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-Agricultural)	<u>2.74(+/-)</u> acres	<u>2.55(+/-)</u> acres
Forested	<u>2.50(+/-)</u> acres	<u>2.00(+/-)</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (freshwater or tidal as per Articles 24, 25 of ECL)	<u>0.9(+/-)⁹</u> acres	<u>0.9(+/-)⁹</u> acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (rock, earth fill, <u>gravel</u>)	<u>0.73(+/-)</u> acres	<u>1.34(+/-)</u> acres
Roads, buildings and other paved surfaces	<u>0.04(+/-)</u> acres	<u>0.09(+/-)</u> acres
Other (Indicate type: <u>lawn/landscaped areas</u>)	<u>0.03(+/-)</u> acres	<u>0.06(+/-)</u> acres

3. What is predominant soil type(s) on project site: Swartswood & Mardin very stony soils (SxC)
& Mardin gravelly silt loam(MdB)²

- a. Soil drainage: ☒ Well drained 25(+/-)% of site ☒ Moderately well drained 75(+/-)% of site
☐ Poorly drained _____ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? NA acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☒ Yes ☐ No
a. What is depth to bedrock? varies feet³

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 40(+/-)% ☒ 10-15% 55(+/-)%
☒ 15% or greater 5(+/-)%
6. Is project substantially contiguous to or contain a building site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No⁴
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No⁵
8. What is the depth of the water table? varies (in feet)⁶
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No⁷
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No
According to Site is surrounded by developed area.
Identify each species: _____
12. Are there any unique or unusual land forms on the project site? (i.e. cliffs, dunes, or other geological formations) ☐ Yes ☒ No
Describe: _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area? If yes, explain: ☐ Yes ☒ No
14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No
15. Streams within or contiguous to the project area: none⁸
a. Name of Stream and name of River to which it is tributary: _____
16. Lakes, ponds, wetland areas within or contiguous to project area: yes⁹
a. Name: wetland area (ACOE) b. Size (in acres): 0.9(+/-) acres
17. Is the site served by existing public utilities? (electric) ☒ Yes ☐ No
a. If Yes, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
b. If Yes, will improvements be necessary to allow connection? ☒ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law 25-AA, Section 303 and 304? ☐ Yes ☒ No¹⁰
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No¹¹
20. Has the site ever been used for the disposal of solid or hazardous waste? ☐ Yes ☒ No¹²

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 6.94(+/-) acres
- b. Project acreage to be developed: 1.43(+/-) acres initially; 1.43(+/-) acres ultimately.¹³
- c. Project acreage to remain undeveloped: 5.51(+/-) acres.
- d. Length of project in miles: NA (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed: 3.1(+/-) * %. * 880 s.f. building
- f. Number of off-street parking spaces existing: 0 proposed: 0¹⁴
- g. Maximum vehicular trips generated per hour: 1 per month¹⁵ P.M. peak (upon project completion).
- h. If residential, number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>NA</u> | | | |
| Ultimately | <u>NA</u> | | | |
- i. Dimensions (in feet) of largest proposed structure: 1 story height; 22 ft width; 40 ft length¹⁶
- j. Linear feet of frontage along a public thoroughfare project will occupy is: 455(+/-) feet¹⁷

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 100(+/-) cubic yards.
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No
 a. If Yes, for what intended purpose is site being reclaimed? use on site (except for non-suitable backfill)
 b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
 c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.66(+/-) acres.¹⁸
5. Will any mature forest (over 100 years old) or other locally important vegetation be removed from site? ☐ Yes ☒ No
6. If single-phase project, anticipated period of construction: 10 months (including demolition).
7. If multi-phased: NA months
 a. Total number of phases anticipated: _____ (number).
 b. Anticipated date of commencement of phase one: _____ month, year.
 c. Approximate completion date of final phase: _____ month, year.
 d. Is phase one functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No¹⁹
9. Number of jobs generated - during construction: 20; after project is complete: 0²⁰
10. Number of jobs eliminated by this project: 0
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No
 If Yes, explain: _____
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No²¹
 a. If Yes, indicate type of waste (sewage, industrial, etc.) and amount: _____
 Name of water body into which effluent will be discharged: _____
13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No
14. Will surface area of an existing body of water increase or decrease by proposal? ☐ Yes ☒ No
 If Yes, explain: _____
15. Is project or any portion of project located in a 100-year floodplain? ☐ Yes ☒ No²²
16. Will project generate solid waste? ☐ Yes ☒ No²³
 a. If Yes, what is the amount per month? _____
 b. If Yes, will an existing solid waste facility be used? ☐ Yes ☐ No
 c. If Yes, give name: _____; location: _____
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No
 If Yes, explain: _____
17. Will project involve the disposal of solid waste? ☐ Yes ☒ No
 a. If Yes, what is the anticipated rate of disposal? _____ tons/month
 b. If Yes, what is the anticipated site life? _____ Years
18. Will project use herbicides and pesticides? ☒ Yes²⁴ ☐ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☐ Yes ☒ No
 If Yes, indicate type(s): _____
22. If water supply is from wells, indicate pumping capacity: NA gallons/minute
23. Total anticipated water usage per day: NA gallons/day
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
 If Yes, explain: _____

25. Approvals Required:

City, Town, Village, Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	_____
City, Town, Village, Planning Board (PB)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Site Plan</u>
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>Possible area variance (TBD by ZBA)</u>
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No
If Yes, indicate decision required:
☐ zoning amendment ☒ zoning variance (possibly) ☐ special use permit ☐ subdivision ☒ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other
2. What is the zoning classification(s) of the site? Residential (R-4)
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
maximum 20% or 60,461 s.f. building footprint for the 6.94 acre site.
4. What is the proposed zoning of the site? NA
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? NA
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☒ No²⁵
7. What are the predominant land uses and zoning classifications within one-quarter mile?
Public utilities, residential, schools, apple orchard, commercial including auto sales, auto service, gasoline filling station, delicatessen, hair salon, dance studio, small retail businesses, self-storage facility, insurance sales, driving range
8. Is the proposed action compatible with adjoining/surrounding land uses within a quarter mile? ☒ Yes ☐ No
9. If the proposed action is a subdivision of land, how many lots are proposed? NA
What is the minimum lot size proposed? _____
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No
11. Will proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☐ Yes ☒ No
a. If Yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No
12. Will proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. INFORMATION DETAILS

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. VERIFICATION

I certify that the information provided here is true to the best of my knowledge.

Applicant/Sponsor Name: Central Hudson Gas & Electric Corp. Date: November 24, 2003

Signature: _____ Title: Applicant

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

ENDNOTES

- ¹ Represents the total project area which consists of a 6.94(+/-) acre tax parcel identified as parcel number 12-1-48 on the Town of New Windsor Tax Map. The proposed project affects approximately 0.68 acres of the 6.94(+/-) acre project site.
- ² According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map # 31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). The Swartswood soil series consists of well drained and moderately well drained soils, and the Mardin soil series is a moderately well drained soil. An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. The Arnot soil series consists of somewhat excessively drained and moderately well drained soils, and the Lordstown soil series is a well drained soil.
- ³ According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map # 31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. Both the Swartswood soil series and the Mardin soil series have a depth to bedrock of greater than 60 inches. The Arnot soil series has a depth to bedrock of 10 to 20 inches and the Swartswood soil series has a depth to bedrock of 20 to 40 inches. Based on field observation, rock outcrops do exist on the site. Field investigation as described in the Geotechnical Report by Daniel G. Loucks, P.E., dated January 14, 2003, indicate that rock was encountered at depths ranging from 5 to 7.5 feet.
- ⁴ According to a review of the National/State Register Listings in Orange County received June 29, 2000, from the Office of Parks, Recreation, and Historic Preservation.
- ⁵ According to data from the U.S. Department of the Interior dated December 19, 2000.
- ⁶ According to the *Soil Survey of Orange County*, USDA, SCS in cooperation with Cornell University Agricultural Experiment Station, October 1981, Map #31, the site contains the Swartswood-Mardin very stony soils, sloping, soil series (SxC) and the Mardin gravelly silt loam, 3 to 8% slopes, soil series (MdB). An area of the Arnot-Lordstown complex, moderately steep soil series (AND) exists in the northwesterly corner of the project site. The Swartswood soil series typically has a depth to water table of 2.0 to 4.0 ft from November to March, the Mardin soil series typically has a depth to water table of 1.5 to 2 ft from March to May, and

the Arnot soil series typically has a depth to a perched water table of 1.0 to 1.5 feet from April to May. The Geotechnical Report by Daniel G. Loucks, P.E., dated January 14, 2003, estimates groundwater levels at depths of 1 foot or greater in the lower portion of the site, while groundwater was not encountered in the borings located at higher elevations. Mr. Loucks notes that perched groundwater tables may occur at the higher elevations dependent on seasonal rainfall and surface runoff, as demonstrated in some of the borings.

- ⁷ According to the New York State Department of Environmental Conservation Division of Water Technical and Operational Guidance, Series (2.1.3), Primary and Principle Aquifer Determinations, Table 1, 1990, and the *Atlas of Eleven Selected Aquifers in New York*, U.S. Geological Survey in cooperation with the NYS Department of Health, 1982.
- ⁸ According to the *New York State Department of Environmental Conservation Stream Map, Cornwall-on-Hudson Quadrangle*, the proposed site does not contain nor is contiguous to a NYS classified stream.
- ⁹ According to the New York State Department of Environmental Conservation *New York State Freshwater Wetlands Map, Cornwall-on-Hudson Quadrangle*, the 6.94(+/-) acre project site does not contain nor is contiguous to a State designated wetland. According to the *National Wetlands Inventory Map, Cornwall-on-Hudson Quadrangle*, the property does not contain nor is contiguous to a Federally designated wetland. However, field investigation indicates that a 0.9 acre wetland area exists on the site. No construction is proposed within the delineated area.
- ¹⁰ According to the map entitled *Orange County, NY, Agricultural District Lands, 1996*, prepared by Orange County Department of Planning, 2002, the site is not located within an Agricultural District.
- ¹¹ According to the *Critical Environmental Areas* document received from the NYSDEC on July 13, 2000, last updated June 3, 1999.
- ¹² According to the report *Inactive Hazardous Waste Disposal Sites in New York State: Region 3*, prepared by the New York State Department of Environmental Conservation, Division of Solid and Hazardous Waste, April 2002.
- ¹³ Represents the area of impervious surface and gravel, excluding lawn and landscaped areas.
- ¹⁴ The existing substation with the proposed alterations will not be staffed. A representative of Central Hudson Gas & Electric Corp. will visit the site approximately once per month for maintenance purposes, and parking of company vehicles will be within the substation fenced area.

-
- 15 The existing substation with the proposed alterations will not be staffed. A representative of Central Hudson Gas & Electric Corp. will visit the site approximately once per month for maintenance purposes.
- 16 Represents the dimensions of the proposed Control Building.
- 17 Represents the linear road frontage of the 6.94(+/-) acre project site along Union Avenue.
- 18 Represents the increase in impervious surface and gravel, excluding lawn/landscaped areas.
- 19 Blasting is not expected to be required. However, if necessary, blasting will be performed in compliance with all State and Local Requirements.
- 20 The existing substation with the proposed alterations will not be staffed, and will be visited by Central Hudson Gas & Electric representative approximately once monthly for maintenance purposes.
- 21 The existing substation with the proposed alterations will not be staffed, and thus, will not result in any water usage or wastewater generation at the site.
- 22 According to the National Flood Insurance Program *Flood Insurance Rate Map, Town of New Windsor, New York, Community Panel No. 3606280001 0010B*, the project site is not located within a 100-year floodplain.
- 23 The existing substation with the proposed alterations will be unmanned, and thus, will not generate a measurable amount of solid waste.
- 24 A minor amount of herbicides/pesticides will be utilized according to Central Hudson Gas & Electric Company Operations and Maintenance Program standards.
- 25 The proposed use of the parcel is not a permitted nor specially permitted use in the R-4 zoning district. The proposed project consists of alterations to the existing substation operated by Central Hudson Gas & Electric Corporation.

-----X
In the Matter of the Application of

CENTRAL HUDSON GAS & ELECTRIC CORP.

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #04-04
-----X

WHEREAS, Lois Phillips, Esq., Huynh Nguyen and Stephen Burger represented Central Hudson Gas & Electric Corporation, owner(s) of the Union Avenue Site , New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Interpretation for expansion of Substation in an R-4 Zone and;

WHEREAS, a public hearing was held on March 8, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a utility service facility located in a neighborhood of residential properties.
 - (b) This facility has been in existence since before the adoptin of zoning in the Town of New Windsor.
 - (c) The applicant is a public utility supplying electrical power to the Town of New Windsor.

- (d) The demands, or load, on the system for service of the New Windsor / Cornwall area has dramatically increased and in order for the applicant to supply adequate power, as it is legally required to do, it makes this application to be allowed to expand the facility.
- (e) The existing parcel consists of approximately 6.9 acres and the applicant seeks to provide five (5) additional electric positions.
- (f) It appears that this use in this zone is a prior non-conforming use and thus, is exempt from the requirements of zoning.
- (g) The applicant seeks an interpretation pursuant to the section 48-24 (B)(4) of the New Windsor Town Code granting them an exemption from the restrictions on the expansion or renovation or alteration of a prior non-conforming use because the proposed alteration are necessary in the interest of public safety.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The use of the property is a pre-existing non-conforming use.
2. The applicant is a Public Utility as defined in the New Windsor Town Code.
3. The applicant is exempt from the 30% restriction on expansion of a pre-existing non-conforming use because it is supplying a public need pursuant to section 48-24 (B)(4) of the New Windsor Town Code.

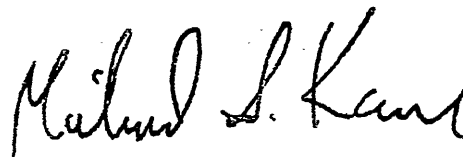
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an Interpretation for expansion of Substation in an R-4 Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 8, 2004



Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE ZONING BOARD OF APPEALS

June 16, 2004

Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12601

ATTN: ROBERT THOMAS

SUBJECT: REQUEST FOR VARIANCE #04-04

Dear Mr. Thomas:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

CENTRAL HUDSON GAS & ELECTRIC #04-04

MR. KANE: Request for interpretation and/or variance for expansion of nonconforming use, exceeding 30% for expansion of substation at Union avenue in an R-4 zone.

I will ask if there's anybody from the public for this particular meeting? Seeing none at this point, I will actually open and close the public portion of this hearing as no one's here and ask Myra for the record how many mailings we had.

MS. MASON: On the 16th of February, I mailed out 42 envelopes and had no response.

Lois Phillips, Esq., Mr. Huynh Nguyen and Mr. Stephen Burger appeared before the board for this proposal.

MR. KANE: You're on.

MS. PHILLIPS: Good evening, my name is Lois Phillips, I'm an attorney with Hiscock & Barclay. We're here tonight on behalf of Central Hudson Gas and Electric. With me are representatives from the company, as well as from Chazen Engineering, which is the design engineers for this particular proposal. What I'd like to do is to give first of all to just explain for the benefit of the Chairman who wasn't here in our preliminary hearing a little bit about Central Hudson as a public utility, the difference in a standard for, standards for a public utility property allocation as well as to clarify succinctly what the interpretation we're requesting and/or a variance because it's somewhat of a cascade. If you make an interpretation on the first request that's favorable to Central Hudson then our view is that the determination would be over. If that determination is not favorable to Central Hudson, then we'd go to the second interpretation which is a calculation interpretation. And then the last one is with respect to an area variance, if necessary. Central Hudson Gas and Electric is an electric

corporation which is a public utility under New York Law. As a public utility, it has an absolute obligation and a mandate to deliver adequate electric power, save, adequate electric power. In the Town of New Windsor, it provides that service pursuant to a franchise agreement which was granted in about 1905. Now, the system now that we're concerned about is to provide adequate electric power to the New Windsor Cornwall area. And the way we talk about this for clarification is that if you have an increased demand, it's referred to as the load, what is the load on the system. And if you're trying to meet that load to provide adequate service, we have two concepts, one is reliability and the second is sufficient capacity. So if you have increased load, you want to increase your reliability and you want to increase your capacity. As a public utility, we constitute a unique use in New York, we have a unique relationship to the public welfare and safety of the community. If our electric capacity is not adequate to provide reliable power to the community, then the safety of the community and the general welfare is at risk. Specifically, some examples I can take from last August when there was a power shortage or power outage, without sufficient electricity, you immediately call into question the ability for lighting, adequate lighting, for adequate air conditioning in the summer, adequate heating in the winter. But in addition to that, you also put in jeopardy your emergency services, without adequate and reliable power, you call into question your ability for fire, police, ambulance, hospital, medical and other essential services. Because of this unique relationship and because of the recognized need and relationship to public welfare and safety, New York permits localities to adopt reasonable zoning ordinances governing electric utilities, however, no municipality may nullify or interfere with the utility's rights and duties to maintain sufficient transmission facilities including substations. Therefore, municipalities may regulate but not prohibit

the installation and the expansion of facilities and substations for transmission of electricity when such alterations are necessary to maintain adequate, reliable electric service for the public welfare. As part of its ongoing business, Central Hudson conducts planning studies regularly. In this particular instance, the planning study for this area has determined that additional electric transmission is needed in order to increase reliability of electric service to the New Windsor Cornwall area and to meet the growing need for electric capacity in this area. In other words, we're experiencing an increase in electric load. The Town of New Windsor Code recognizes the unique relationship between electric power and the public safety by defining public utilities of this nature as essential services. Essential services include construction, alteration and direction by public utilities of electric transmission systems, equipment and accessories that are necessary for furnishing adequate service by the utility. It also recognizes the unique relationship, the code recognizes the unique relationship by providing some specific examples within the code. One example that immediately jumps to mind is the noise restrictions in the code are not applicable to the public utilities such as Central Hudson. There is a specific statutory exemption in Section 48-17.5 paragraph 5 subparagraph D. In this particular project, we're proposing to alter an existing substation facility on Union Avenue in the Town of New Windsor. This substation was first constructed in 1954 and 1955. The alteration will propose or will include the addition of three pull boxes, an 880 square foot control house is, one transformer and dead-end structures each. The alteration will provide five additional electric positions which will be available to meet the projected increase load in the area. The parcel consists of 6.9 acres and it is located in an R-4 district. The building inspector has determined that this, the public utility use in this R-4 zone is a prior non-conforming

use and that gets us to Section 48-24. The first interpretation that we're seeking is from the provisions as under Section 48-24, specifically the proposed alterations to this particular substation we believe would be exempt under Section 48-24 paragraph B subparagraph 4. This allows an exemption from the restrictions on the expansion or renovation or alteration of a prior non-conforming use that's in the code. The basis of that interpretation would be that the structural alterations proposed are necessary in the interest of public safety. And again, it goes back to providing adequate, reliable power to meet the increased load. Section 48-24 B 4 provides an exemption as I said which Central Hudson believes applies in this instance. In the event the zoning board determines that Section 48-24 B 4 does not apply to the Central Hudson's proposal, then we're seeking an interpretation under the same code section for the different, but a different paragraph. Under Section 48-24 B 3, your code says that a prior non-conforming use can be expanded up to 30 percent of its ground floor area. Now that's easy to understand if this was simply a commercial building, an office building, for example, or residential home, but this is a substation which has a control building as well as footprints for the construction of the equipment that makes up the substation. In reviewing this, the planning board asked the question of how do we calculate that 30 percent. What are we supposed to take into consideration. So in the event that the zoning board determines that the proposed alterations fit the exemption classification, then we would submit that our next course of action would follow your interpretation would be to go to the planning board. If, however, the exemption does not apply, then we're asking you to interpret the section that sets out the 30 percent limitation and essentially give guidance to the planning board as well as to Central Hudson on how we're going to calculate that gross ground floor area. There are several ways in which that could be

calculated. One would be to look strictly at the ground floor area of the one building on the proposal which would be the control house. Another way would be to look at the concrete slabs, the concrete basis for the substation equipment and calculate it based on those structures or I should say that concrete base, the distinction here is that control house has a foundation, the other concrete pads are merely concrete bases, concrete structures or concrete slabs. The third alternative would be do you add those together, do you consider the foundation with the control house plus the concrete slabs. If in fact after you have rendered your interpretation you decide that a variance would be required because the way this is calculated we exceed the 30 percent limitation and the 30 percent limitation applies then Central

Hudson is seeking a variance to allow the construction of this substation in excess of that 30 percent limitation. I'd like to, I'd also like to emphasize that the standards for a variance, an area variance for a public utility are somewhat different than they are for regular area variance. Principally, the hardship section that the utility is asked to address is different than what you generally see in a zoning situation. Here the hardship is the burden or the hardship should be proved by a demonstration of the need as it relates to public safety of the particular structures or the proposal. So we need to show you what the public necessity is for the alteration of the existing substation. Central Hudson representatives will speak to the need and what the timing here is and as I said, Chazen will then give you a description of what the actual proposal is from an engineering standpoint and a site standpoint.

MR. HUYEN: I'm the engineer from Central Hudson.

MR. KANE: I think what we should do to save a lot of time is actually the board members have been through this, I understand what you want, I've read up on it is

to take a look at that first interpretation before you even need to proceed any further and take it from there.

MS. PHILLIPS: That would be fine.

MR. KANE: What did you guys think?

MR. REIS: That's fine with me. I have a question though.

MR. KANE: Yes.

MR. REIS: You mentioned Lois that--it is okay if I call you Lois?

MS. PHILLIPS: Yes, please.

MR. REIS: You mentioned that this facility was constructed in '54, '55?

MS. PHILLIPS: The existing portion of it, yes.

MR. REIS: Right, has there been any add-ons, additions, modifications since that time?

MR. HGUYEN: We do have improvement over the years to provide the reliable service to this area.

MR. KRIEGER: Does that improvement involve expanding the area which it's done or just improvements within the structure, within the set-up?

MR. KANE: As you speak, just give your name.

MR. THOMAS: Bob Thomas, I'm the real estate section of Central Hudson. There's been no improvements outside of the footprint, there's been improvements within the substation.

MR. REIS: That's my question. I have to commend Central Hudson better part of the 50 years and it's served our community quite well, I think that's a good idea.

MR. KANE: Got to say it you want to see my gas bill? Joe, any questions?

MR. MINUTA: I was not part of the initial--

MR. KANE: You and I were out with knees that night.

MR. MINUTA: Yes, there are questions here that--

MR. KANE: Well, the first question that starts do you believe 48-24 4 applies or does not apply to them as an essential service?

MR. MINUTA: Well, they're exempt.

MR. KANE: Any other questions are moot until we answer that.

MR. MINUTA: Within that, yes, there is an exemption that's allowed by law, I believe that's Federal Law, correct?

MS. PHILLIPS: Well--

MR. KRIEGER: Well, their argument is it's specifically that it is allowed under the code of the Town, the way they have defined it as an expansion of a pre-existing non-conforming use, their argument is that it is a pre-existing, non-conforming use and it's entitled to be expanded and the 30 percent limitation that would apply to others does not apply to them because of their special standing as a public utility.

MR. KANE: So that's the first thing so--

MS. PHILLIPS: Yes, thank you.

MR. MINUTA: I'm satisfied with that portion.

MR. KANE: See that we answer first and if that gets turned down, then we can go to the next stage and they would continue their presentation, we'd go to the second interpretation and then any variances so we have to answer that first, we decide if they can, planning board decides how they can.

MR. MINUTA: The trouble I'm having I need more information on this project, in particular.

MR. KANE: On the interpretation itself? See, we don't get to the project unless you get passed the intersection, so if you don't feel the interpretation, if you feel it applies, then your question is--

MR. BABCOCK: Do you want to see a plan?

MR. MINUTA: I have the plan.

MR. KANE: I know we all have other private concerns but our job is to decide whether this section of the law applies to them or doesn't apply, that's the first question that we have to answer.

MR. RIVERA: It does.

MR. KANE: Do you feel comfortable making a decision?

MR. RIVERA: Yes.

MR. KANE: That's our first step, so little things that we have that we'd like to ask don't really come up at this point.

MR. MINUTA: You couldn't have reversed that, huh?

MR. KRIEGER: No, no, you have stated it correctly, if you decide that the interpretation that the 30 percent limitation doesn't apply, then it doesn't apply and that's the end of their application.

MR. KANE: That's one of the catch 22s of the job.

MR. REIS: Can I ask a question?

MR. KANE: Sure.

MR. REIS: In due respect to those issues, I'm sure your engineers and all of the people that come up with the decision to expand this and what you're about to present to the board is this the minimum expansion that you can provide us with to get the maximum future benefit?

MR. KRIEGER: It's the minimum of what you need.

MR. BURGER: I'd like to just speak to this for a second and my name is Steve Burger, I'm the Customer Service Manager with responsibility for operations and construction of our gas and electric system at Central Hudson. What we have done is we have defined a footprint and what we need to do to serve the residents and the businesses of the New Windsor community and the Town of New Windsor going into the future. You have asked very, we looked at the absolute minimum of what we need to do and the answer is yes.

MR. REIS: Thank you.

MR. BURGER: Long way around but I want to make sure that you do understand that right now and I know this is kind of jumping ahead a little bit but where we are right now is we're approaching a hundred percent of current carrying capacity to serve the residents and the businesses in here in the Town of New Windsor.

MR. MINUTA: What's your projection for in the future, is this enough capacity to last you 10, 20, 30, 40 years?

MR. BURGER: Based on load growth, we're seeing load growth of about 2 1/2 to 3 1/2 percent annually, this past summer we were at 97 percent of the capacity of the Union Avenue substation this summer we expect to be at 100 percent capacity sooner or later, if we don't do something to bring added, additional capacity into the Town of New Windsor, Town of Cornwall, we're going to be extremely limited as to who can build here.

MR. KRIEGER: I think the question was if the expansion as you proposed is permitted, how many years do you project that will last you? The first bite lasted you 50 years, how many more years?

MR. BURGER: You can't look at the economy and say that we're going to continue to have this robust growth for the next 10 or 15 years. I can give you some history right now, the last five years has been a 2 1/2 to 3 1/2 load growth in the Town of New Windsor.

MR. MINUTA: Based on 2 1/2 to 3 1/2 percent this facility will allow you how much more?

MR. HGUYEN: I would like to say this is 10 to 20 year depending on load growth in this area is not fixed because we don't have that.

MR. KRIEGER: That's your answer, 10 to 20 years.

MR. KANE: Let me ask this. With the expansion that you're proposing now on the piece of property that you have now, how much further do you think that you can build on that property before that becomes maxed out? Follow where I'm going?

MR. BURGER: Yes, I do, yes, inside the new expansion

project, what we're looking at right there is--

MR. HGUYEN: For now, we build it if we're allowed to build this station, I mean this is maximum land available, this is maximum land we have available to provide within 10 or 20 years now and after that, I don't think we have enough land to put more equipment on.

MR. KANE: Without some kind of scientific, you know, technical thing, thank you, okay, that's what I wanted to ask.

MR. MINUTA: How much property is currently owned and how much is currently occupied?

MS. PHILLIPS: We have 6.9 acres total that's occupied.

MR. THOMAS: Probably about 2.46, 2.76, I believe.

MS. PHILLIPS: In a vacuum you might say well, that looks like you would have additional property to expand but there are wetlands on the area, other site constraints.

MR. MINUTA: Of course with that in mind, then I think what happens with this particular site in my mind is that we have the existing, what we have is existing what they plan on proposing as future and if we grant complete evidence on this project that allows them 100, potentially 100 percent usage of the property should they deem fit if there's an exemption, would that not be correct?

MR. KRIEGER: That's correct.

MR. MINUTA: So in that case, I don't feel comfortable granting 100 percent exemption on the entire property at this point.

MR. BABCOCK: I think Joe that--

MR. HABER: Gary Haber from Chazen Companies. Maybe I can clarify this a little bit. On the site plan, the portion with the existing substation or the expansion to the existing substation was going to take up is correct me if I'm wrong is 1.42 acres, the entire 6.9 acre parcel that you have in your submission is the inclusion of 3 deed parcels that Central Hudson owns that you have deemed to be one parcel on your tax maps and that includes the footprint of the existing substation, the parcel for the alteration and very long transmission strip that's already occupied by transmission facilities. So basically your question of 100 percent usage this strip across the back is already filled with transmission line is not changing, this portion here is already filled with the existing portion of the substation so this is the only piece that's left to develop.

MS. PHILLIPS: Let me show you the map here. The footprint or I should say the fence line, it's not as if this entire section here is you blacktopped or covered with an impervious surface. This is the fence line and these are the, this is the area of the existing, right, the expansion or the alteration area will be over here and it has to connect, it has to be a connection between the two. This green space will continue to stay here. There will be hedges and trees continue across the front and then the remainder of all this, what we're saying is the site constraints are such that you wouldn't come in here and say well, now I need an expansion, I need a bigger substation or a third one so it's not that we're saying the exemption applies to the entire parcel or I should say such that you'd be developing the entire parcel, you simply can't do that. What we're saying is that the alteration in the front is exempt under your code because it's an essential service and these alterations are needed for the interest of public safety.

MR. MINUTA: So let me understand this correctly then, just Parcel A is under scrutiny at this point?

MS. PHILLIPS: Well, no, it's all one lot, it's just the front end of it is what we're talking about here.

MR. MINUTA: I guess potentially what I see with this if 100 percent exemption is granted at this point, there's nothing that with allow basically if you're granted the exemption, you can do whatever you want whenever you want at whatever time, would that be correct?

MR. KRIEGER: Yes, with this caveat, understand that those portions of the property that are designated as wetlands, this board has no legal power to grant them any exemption from that, so they remain, unless the DEC decides differently, it's a completely different application that they would have to make, they can't come here for that, that remains the wetlands as far as that's concerned.

MR. KANE: And we can grant an interpretation that on this particular lot at this particular time?

MR. KRIEGER: Yes, as a matter of fact, your interpretation should be--

MR. KANE: This particular lot application at this time.

MR. KRIEGER: This application, this lot.

MR. BABCOCK: Why wouldn't you say per this plan?

MR. KANE: What's that? Per this plan, exactly.

MR. BABCOCK: Plan submitted to us. If we're going to more than what's on this plan, they would have to come

back.

MR. REIS: Twenty years if they have to do it again, they'll do it again.

MS. PHILLIPS: Correct.

MR. KANE: And whatever changes in the last 25 years. Feel more comfortable?

MR. MINUTA: I feel much more comfortable with that.

MR. KANE: All in how you state the interpretation and bring it into that and refer to this plan only.

MR. MINUTA: Now I understand. I have to ask the question noise from the facility, are we looking at noise from the facility?

MR. BURGER: No.

MR. KANE: Can't touch it.

MR. KRIEGER: That was offered as being an illustration only, this board is without the jurisdiction to affect the noise requirement.

MR. MINUTA: Thank you for answering that question anyway. Other than that, I'm satisfied.

MR. KANE: Mike?

MR. REIS: I am.

MR. RIVERA: Yes.

MR. KANE: I'll take a motion.

MR. MINUTA: Mr. Chairman, accept a motion?

MR. KANE: Yes, I will.

MR. MINUTA: Make a motion that we grant Central Hudson's request for interpretation for exemption classification. I don't have the number.

MR. BABCOCK: 48-24 B 3.

MR. MINUTA: Thank you, for the expansion of substation at Union Avenue in an R-4 zone.

MR. REIS: Per existing plan.

MS. PHILLIPS: Per existing plan.

MR. MINUTA: Per the plan that has been submitted.

MR. REIS: Second it.

MS. PHILLIPS: Before you move the exemption provision is pursuant to 48-24 B 4 which will allow you an exemption from the requirements or the restrictions of B 3.

MR. MINUTA: So let's restate this then. Make a motion that we grant Central Hudson's request for interpretation based on the plan submitted for the exempts number 48-24 B 4 for the expansion of substation at Union Avenue in an R-4 zone.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MINUTA	AYE
MR. KANE	AYE
MR. REIS	AYE

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/29/04

APPLICANT: The Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Central Hudson Gas & Electric Corp.

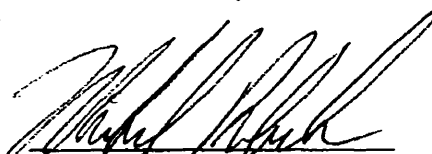
LOCATED AT: Union Avenue

ZONE: R-4 Sec/Blk/ Lot: 12-1-48

DESCRIPTION OF EXISTING SITE: Vacant Land

IS DISAPPROVED ON THE FOLLOWING GROUNDS: 48-24 B(3)

1. Extensions or remodeling of structures used for nonconforming uses. Notwithstanding any other provision of this local law, a structure devoted to such nonconforming use may be extended to an extent not exceeding 30% of its ground floor area existing at the time of the enactment of this local law or any amendment thereto.


BUILDING INSPECTOR

COPY

	REQUIRED:	EXISTING:	PROPOSED:	% INCREASE:
ZONE: R-4 USE:				
MIN LOT AREA:	10 ACRES	6.94 ACRES (302,306SF)	6.94 ACRES (302,306SF)	NA
MIN LOT WIDTH:	300FT	452FT	452FT	NA
REQ'D FRONT YD:	100FT	51FT	51FT	NA
REQ'D SIDE YD:	100FT ONE SIDE TOTAL 200	250FT 181FT	135FT 181FT	NA NA
REQ'D REAR YD:	100FT	>100FT	>100FT	NA
BUILDING FOOTPRINT:	NA	400SF	1280SF	320%
MAX BLDG HT:	18FT	<18FT	<18FT	NA
FLOOR AREA:	NA	400SF	1280SF	320%
BUILDING FOUNDATION/PAD:	NA	3,560SF	4,943SF	38.8%
DEV COVERAGE:	20%	0.13%	0.42%	309%
OVERHEAD STRUCTURES:	NA	2,692SF	2,991SF	11.1%

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 03-12

DATE: 16 July 03

APPLICANT: Central Hudson G&E
284 South Avenue
Poughkeepsie NY 12601

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT north side Union Ave

_____ ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 12 BLOCK: 1 LOT: 48

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

interpretation and/or variance for expansion of
nonconforming use, exceeding 30%
(see 40-24 B3)


MARK D. EDSALL P.E. for
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE _____	USE _____		
MIN. LOT AREA	_____	_____	_____
MIN. LOT WIDTH	_____	_____	_____
REQ'D FRONT YD	_____	_____	_____
REQ'D SIDE YD.	_____	_____	_____
REQ'D TOTAL SIDE YD.	_____	_____	_____
REQ'D REAR YD.	_____	_____	_____
REQ'D FRONTAGE	_____	_____	_____
MAX. BLDG. HT.	_____	_____	_____
FLOOR AREA RATIO	_____	_____	_____
MIN. LIVABLE AREA	_____	_____	_____
DEV. COVERAGE	_____ %	_____ %	_____ %
O/S PARKING SPACES	_____	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

7/17/03
Sent applic



RESULTS OF Z.B.A. MEETING OF: March 2004

PROJECT: Central Hudson ZBA # 04-04
P.B.#



USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

NEGATIVE DEC: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

APPROVED: M) S) VOTE: A N
RIVERA
MCDONALD CARRIED: Y N
REIS
MINUTA
KANE

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) S) VOTE: A N
RIVERA
MCDONALD
REIS CARRIED: Y N
MINUTA
KANE

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) MM S) RS VOTE: A 4 N 2.

RIVERA A
~~MCDONALD~~
REIS A
MINUTA A
KANE A

CARRIED: Y ✓ N

48-24 B04



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

January 30, 2004

The Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

ATTN: GARY ABER

SUBJECT: REQUEST FOR VARIANCE # 04-04
CENTRAL HUDSON GAS & ELECTRIC

Dear Mr. Aber:

Please find attached a revised Notice of Disapproval of Building Permit Application which reflects the variances needed in lieu of an Interpretation by the Zoning Board of Appeals.

If you have any questions, please contact our office.

Very truly yours,

Myra Mason
Secretary to the ZBA

MM:mlm

cc: Robert Thomas – Central Hudson

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MAY 12, 2004
SUBJECT: ESCROW REFUND ZBA #04-04

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 270.50 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #04-04

NAME & ADDRESS:

**Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12601**

THANK YOU,

MYRA

L.R.05/12/04



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #04-04 TYPE: INTERP. AND/OR VARIANCE

APPLICANT Name & Address:
Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12601

TELEPHONE: 486-5515 Bob Thomas

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>712040</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 712041

Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω

<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>14</u> PAGES	\$ <u>77.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>15</u> PAGES	\$ <u>82.50</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u> PAGES	\$ <u> </u>	\$ <u> </u>
TOTAL:		\$ <u>159.50</u>	\$ <u>70.00</u>

Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω Ω

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 229.50

AMOUNT DUE: \$

REFUND DUE: \$ 270.50

-----X

CENTRAL HUDSON GAS & ELECTRIC


#04-04

MYRA L. MASON, being duly sworn, deposes and says:

That on the 16TH day of **FEBRUARY, 2004**, I compared the **42** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

16th day of February, 2004


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

February 16, 2004

Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12601

ATTN: ROBERT THOMAS

SUBJECT: REQUEST FOR VARIANCE #04-04

Dear Mr. Thomas:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Union Avenue SubStation
New Windsor, NY

is scheduled for the March 8th, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 04-04

Request of CENTRAL HUDSON GAS & ELECTRIC

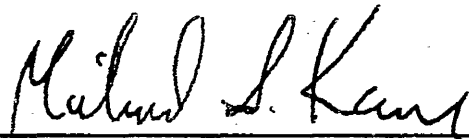
for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or Variance for expansion of nonconforming use, exceeding 30% (48-24 B 3) for expansion of Substation at Union Avenue in an R-4 Zone (12-1-48) (PB #03-12)

for property located at: UNION AVENUE – NEW WINDSOR, NY

known and designated as tax map Section 12 Block 1 Lot 48

PUBLIC HEARING will take place on MARCH 8, 2004 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessor's Office

February 3, 2004

Gary Aber – Chazen Companies
21 Fox Street
Poughkeepsie, NY 12601

Re: 12-1-48 Central Hudson Gas & Electric ZBA#04-04

Dear Mr. Aber:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Assessor

JTW/lrd
Attachments

CC: Myra Mason, ZBA

4-1-52.2
Menorah Hill, Inc.
52 Yacht Club Drive Apt. 309
North Palm Beach, FL 33408

4-1-53
William & Jacqueline Rumsey
PO Box 4101
New Windsor, NY 12553

4-1-55
Craig Saris
75A Lake Road
PO Box 109
Congers, NY 10920

4-1-56
Ann Lease
366 Union Avenue
New Windsor, NY 12553

4-2-20
Newburgh Enlarged City School District
C/o E. Phillips
124 Grand Street
Newburgh, NY 12550

4-2-21.12
RPA Assocaites, LLC
C/o AVR Realty Company
1 Executive Blvd.
Yonkers, NY 10701

4-2-21.22
Patriot Ridge Development, LLC
C/o AVR Realty Company
1 Executive Blvd.
Yonkers, NY 10701

9-1-7.2
Frank & Rose Giordano
46 Hillside Avenue
New Windsor, NY 12553

9-1-8 & 12-1-13
Archie & Gloria Jean Antonelli
28 Hillside Avenue
New Windsor, NY 12553

9-1-9 & 12-1-12
Josephine Di Paolo
32 Hillside Avenue
New Windsor, NY 12553

9-1-11
Ofer Avgush
152 Route 202
Garnerville, NY 10923

9-1-12.1
BJS Holding, LLC
38 West 32nd Street, Room 1201
New York, NY 10001

9-1-12.2
Angelina Talmadge
C/o Bernie Calandrea
13 Veronica Avenue
New Windsor, NY 12553

9-1-13
Roman Catholic Church of St. Joseph
6 St. Joseph Place
New Windsor, NY 12553

9-1-25.4
Eugene & Jann Hecht
161 Windsor Highway
New Windsor, NY 12553

12-1-1
Andrew & Catherine Moglia
C/o Catherine Lorgan
56 Hillside Avenue
New Windsor, NY 12553

12-1-2.1 & 12-1-3
Andrew & Catherine Moglia
14 Little Lane Road
Newburgh, NY 12550

12-1-6
Chris Doogan
48 Hillside Avenue
New Windsor, NY 12553

12-1-7
Aldo Montoya
44 Hillside Avenue
New Windsor, NY 12553

12-1-9.1
Suzanne Brown Lewis
40 Hillside Avenue
New Windsor, NY 12553

12-1-10 & 12-1-11
Samuel & Kathryn Sorbello
34 Hillside Avenue
New Windsor, NY 12553

12-1-14
Kevin & Ellen Mann
24 Hillside Avenue
New Windsor, NY 12553

12-1-16
Philomena Guariglia Mahood
20 Hillside Avenue
New Windsor, NY 12553

12-1-18.1
Samuel Jr. & Eric Acquaro
Samuel Acquaro
16 Hillside Avenue
New Windsor, NY 12553

12-1-19
Susan Guercio
34 Post Road
Monroe, NY 10950

12-1-23
Ofer Avgush
4 Hillside Avenue
New Windsor, NY 12553

12-1-24
Louis & Kathleen Antonelli
3 Hillside Avenue
New Windsor, NY 12553

12-1-27 & 12-1-49
Frank Sr. & John Antonelli
4 Cedar Court
Palm Coast, FL 32137

12-1-28 & 12-1-29
Joseph & Rose Ann Cubito
15 Hillside Avenue
New Windsor, NY 12553

12-1-30
Joseph & Carmela DeLeonardo
1647 Roland Avenue
Wantagh, NY 11793

12-1-31 & 12-1-32
Gino & Ella Cracolici
220 Summit Drive
New Windsor, NY 12553

12-2-1
Orwest Realty Corporation
C/o DB Companies Dairy Mart Store#619
PO Box 9471
Providence, RI 02940

12-1-33
Jamie & Wilma Anzalone
27 Hillside Avenue
New Windsor, NY 12553

12-2-2
David Sarinsky
298 Union Avenue
New Windsor, NY 12553

12-1-34 & 12-1-35
Bernard Mc Cullom
31 Hillside Avenue
New Windsor, NY 12553

12-1-36 & 12-1-37
John III & Louise Baker
35 Hillside Avenue
New Windsor, NY 12553

12-1-38
Anthony & Rose Damiano
39 Hillside Avenue
New Windsor, NY 12553

12-1-39 & 12-1-40
John & Ellen Antonelli
43 Hillside Avenue
New Windsor, NY 12553

12-1-41
Mark & Harry & Janice Walters
364 Union Avenue
New Windsor, NY 12553

12-1-42
Frank & Barbara Antonelli
360 Union Avenue
New Windsor, NY 12553

12-1-44.1
William Schwartz
356 Union Avenue
New Windsor, NY 12553

12-1-46.1
Jonle Enterprises, Inc.
354 Union Avenue
New Windsor, NY 12553

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 01-29-2004 PROJECT NUMBER: ZBA# 04-04 P.B. # _____

APPLICANT NAME: CENTRAL HUDSON GAS & ELECTRIC

PERSON TO NOTIFY TO PICK UP LIST:

GARY ABER - CHAZEN COMPANIES
21 FOX STREET
POUGHKEEPSIE, NY 12601

TELEPHONE: 486-1588

TAX MAP NUMBER: SEC. 12 BLOCK 1 LOT 48
SEC. _____ BLOCK _____ LOT _____
SEC. _____ BLOCK _____ LOT _____

PROPERTY LOCATION: UNION AVENUE
CENTRAL HUDSON SUB-STATION

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 712039

TOTAL CHARGES: _____

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 01-13-04

FOR: ESCROW 04-04

FROM: CENTRAL HUDSON G & E

284 SOUTH AVENUE

POUGHKEEPSIE, NY 12601

CHECK NUMBER: 712041

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO MYRA FOR FILING

THANK YOU

PRELIMINARY MEETINGS:

CENTRAL HUDSON GAS & ELECTRIC (04-04)

MR. REIS: Request for interpretation and/or variance for expansion of nonconforming use, exceeding 30% (48-24 B 3) for expansion of substation at Union Avenue in an R-4 zone.

Lois R. Phillips, Esq., Mr. Gary R. Aber and Mr. Huynh Nguyen appeared before the board for this proposal.

MS. PHILLIPS: My name is Lois Phillips, I'm an attorney with Hiscock & Barclay in Albany, New York. I represent Central Hudson Gas and Electric with respect to the application pending before this board. With me tonight are members, representatives from Central Hudson, as well as their project engineers, Chazen and Company. We have submitted a packet to you requesting an interpretation of your code and in the alternative an area variance. Central Hudson Gas and Electric is an electric corporation under Public Service Law and is a gas and electric company as defined in New York State law. As such, Central Hudson furnishes electric service throughout the New Windsor area and surrounding environs pursuant to a franchise which was granted by the Town of New Windsor in 1905. As a public utility, Central Hudson has an absolute right and duty under the Public Service Law to provide electric service to this location. Pursuant to its franchise, Central Hudson further has the right and duty subject to reasonable regulations to erect and maintain the proposed transmission facilities, including the substation. New York in general permits localities to adopt zoning ordinances and codes which govern electric utilities, however, no municipality may nullify or interfere with the utility's rights and duties to erect and maintain transmission facilities. And the provision of the law is an attempt to balance the locality's zoning rights with the utility's obligations to provide and furnish

electric power and gas to the communities. Therefore, municipalities can regulate but not prohibit installation, alteration and expansion of transmission facilities where such alteration is necessary to the maintenance of sufficient service or to provide sufficient electric capacity. As part of its regular planning process, Central Hudson has determined that additional electric transmission facilities are needed in this area in order to increase reliability of an electric service and to meet the growing needs for electric load in the area. In looking at your code, it appears that there is some confusion about what the approvals required are needed for the alteration to the Union Avenue substation. This is generally I believe because your code provides that public utilities transmission distribution facilities will be governed by Article 7 of the Public Service Law and as such you would not see a so-called Article 7 project coming before the local board such as yourself for approval. Article 7 relates to transmission facilities which have a higher level of capacity or voltage, 125 kilovolts, I believe, or higher for the system. This system does not meet that requirement. The substation is 115. So that leaves an ambiguity or a question with respect to how to provide in the Town of New Windsor. Your code does define public utilities as a central services under Section 48-37, 48-37 provides that a central services include the construction and alteration by public utilities of transmission facilities. In looking over other provisions of the code, the central services are also exempt from certain provisions or requirements under the code. Here the structural alterations that are necessary are in the interest of public safety. If you recall, for example, in August of last year, when we had a power outage throughout this area and New York State part of the concerns raised were not merely that there wasn't sufficient electric capacity to watch television that night but you had a disruption of a central public service and emergency facilities. Without sufficient power, people

on wells are unable to obtain water. Without electric service if that happened here in New Windsor tonight there would be an inability for electric or for heat. In the summertime, in August, there was a disruption of other ventilation systems, including air conditioning. In addition, we have a disruption for primary emergency service providers such as fire departments, police departments, ambulance, hospital, so electric service, the adequate delivery of electric service and sufficient capacity is a critical public safety concern. As such, Central Hudson is seeking your interpretation under Section 48-24, paragraph B subparagraph 4 of your code that its structural alterations to the Union Avenue substation fit within the provisions of that section that say that such alterations is necessary in the interest of public safety are exempt from regulations of non-conforming uses. The Union Avenue substation was constructed in 1954 and 1955, well before the adoption of the zoning ordinance zoning code. As such, we looked at the applicable use schedules and determined that in the R-4 zone as with several other residential zones, public utilities are not allowed as a matter of right nor are they allowed by special permit. So the Union Avenue substation exists as a non-conforming use as determined by the building inspector. There is a provision under Section 48-24 paragraph B, subparagraph 3 that limits the alteration or expansion of a non-conforming use. The threshold says that you cannot alter or expand that use by greater than 30 percent. The interpretation again we're asking that we're a public utility which is exempt from that restriction under your Section 48-24 B 4. If this board determines that the exemption from the limitation on altering a non-conforming use is not or does not apply to Central Hudson's proposed alterations, in the alternative, we would then ask the board to provide an interpretation on how to calculate the 30 percent increase under the restrictive section. During the discussions that the company had with the planning board, there was a question as to how that

particular square footage would be calculated. This is approximately a 6.9 acre parcel and we're looking for guidance as to if we're subject to the restrictive provision do we calculate the increased area of the use by looking at the square footage of the building that's proposed which is a controlled building, or do we calculate that based upon the square footage of the steel structures that would be constructed holding the transmission lines and transformers or do we add the two of them together, the square footage of the steel structure and the square footage of the control building. It's a little complicated because now I'm going to give you a third alternative and that would be if in fact you decide that Central Hudson is not exempt from these restrictions, and you then decide that the proposed construction exceeds your 30 percent restriction, then Central Hudson would be asking for an area variance to allow construction greater than 30 percent and to allow this construction of a structure which exceeds your height limitations of 18 feet. I know that's a little bit complicated and so if anyone has questions about what we're looking for or you'd like me to try and clarify it, I'd be happy to. I'd like to turn over the rest of the presentation for tonight's meeting to Central Hudson to explain what the meat is for this particular expansion and also what's specifically proposed for the project.

MR. HUYEN: I'm Huynh Nguyen, engineer from Central Hudson and I'm project engineer for this project. I would like to explain why Central Hudson needs to do this project. The Union Avenue substation was built in 1955, roughly about 49 years ago and the improvements have been made over the years and by 2000, the total number of circuits at the substation is one circuit and in 2002, we installed the last provision of the distribution circuit to support the area. The study by Central Hudson in 2001 forecasts that with the rate of growth in this area at 2.7 percent by summer 2004, the growth in the area will be 97 percent of the substation

capacity. Furthermore, the study indicates that if the growth in this area grow rapidly, by summer of 2005, the growth in this area will exceed 100 percent of the substation capacity. Central Hudson also reviewed all the available transmission and distribution capacity at the different substations around this area and they have determined that the Union Avenue substation is the select choice because we have the land available, we also have the transmission facility available. With these alteration of this substation, we will add one more transformer and then will provide five more additional distribution circuits to support growth in this area.

MR. RIVERA: How much more land is going to be required to have these additional--we're concerned with setbacks with other properties cause you'll notice this borders private property, so our concern is of course we're going to have, we're going to hear at public hearing, that's the concern that I have at this moment.

MR. ABER: If you look at your site plan which is labeled as SP2, you'll see that all the setbacks have been identified on that plan, minimum hundred foot setback from the front property line, which is a reconstructed property line. After Central Hudson relinquished a piece of property to the County for the widening of the Union Avenue, you'll see the side yard setback there of 134.8, I believe, and you'll see the rear setbacks also.

MR. MC DONALD: This new area, is this basically like what we have now, just more, like you say, you're going to have five more circuits that you're going to be able to provide in that new area?

MR. NGUYEN: Yes.

MR. MC DONALD: Basically the same as what you've got now.

MR. NGUYEN: Yes, sir.

MR. ABER: My name is Gary Aber, Director of Utility Design for Chazen Companies. And we have prepared various plans for Central Hudson showing the different conditions and it starts with the existing conditions, you see a site plan there which we were just talking about shows the footprint of the alteration, the various setbacks in bulk table, it showed the new requirements and how we've met those, shows a link between the existing portion and the expansion portion of that and then we go into the utility grading, which shows you a little bit more of a detail of what's going to be required of Central Hudson. In the design of the layout of this site, we have tried to balance out the cuts and fills as close as possible on the property so that the fill pad that they're creating there is virtually a balance of what they're cutting out of the side slope and using to fill the lower side. It's requiring them to build two retaining walls on the property, one on the upslope side. On the downslope side, it would not have been required other than the fact that there was an adjoining wetland to the rear and to not impact that in any way, shape or form, they've seen fit to go ahead and build an additional retaining wall to house the footprint for this alteration. Are there any specific questions as to the layout?

MR. REIS: Just a point of reference if I can refer to you, Mike, is this one site one section, block and lot?

MR. BABCOCK: Yes, that's how I understand it.

MR. REIS: Being it's one lot, why do we have to expand these new facilities that you're adding so far away from the existing plant, the existing transmission lines?

MR. ABER: The existing transmission lines run in the rear of this parcel, it's a long narrow strip. If you go back to SP1 up in the upper right-hand corner, see the left-hand of the two small views up in the left-hand corner, you'll see that parcel, it's an L-shaped parcel, so the rear portion is the transmission line that comes in and feeds the parcel. And if you switch to SP3, you'll see to the right of that plan the footprint of what exists there now, you'll see a gray shaded area which is a wetland and that kind of circumvents the adjacent or contiguous expansion of just pulling down a fence and widening the footprint as it stands but joins slightly into the rest of Central Hudson's property.

MR. REIS: Part of your interpretation or variance request is the exceeding of the 30 percent of the property. Michael, how are we, it doesn't seem to me just looking at this without calculating this each piece doesn't seem like it's 30 percent.

MR. BABCOCK: Well, that's one of the questions. The first question is are they subject to that law and that's one of the, that's one of their questions. The second thing is how do you want the 30 percent calculated. Basically, the 30 percent talks about structures and if each one of these units is a structure, we would, they're asking whether they would calculate that into the 30 percent or just the building that they're putting on the spot. The building is very small in size.

MR. ABER: The building is 880 square feet.

MR. BABCOCK: Yeah, so the building is very small in size but if you calculated there the units that are there each one of them you'd probably exceed the 30 percent.

MR. MC DONALD: The five switch gears if we included

that with the building that would be on a pad--they're on a pad?

MR. ABER: Yes.

MR. REIS: That's referenced on SP3, that irregularly shaped area?

MR. ABER: Yes, that's the envelope of all of the super structure and equipment structures that would sit below them.

MR. REIS: You determined through your engineering that we must do this, there's no choice?

MR. NGUYEN: Yes because we don't have any other transmission facility to increase the load, the capacity of the station.

MR. REIS: You cannot go up at your existing super structure that's there, you must expand to the left or right or behind?

MR. NGUYEN: Yes.

MR. REIS: Cannot take it anyplace else, you made those determinations because this is for whatever reason?

MR. NGUYEN: We already look at the different options but just like they don't have land available and the transmission is not available and if we build somewhere else, we have to build a whole transmission system to feed this station so that we can have the substation built to provide the, to support the loads that are there.

MR. REIS: Have you made a determination if this is acceptable to the ZBA and the planning board, have you made a determination stretching out our growth pattern for the next 10 or 20 years?

MR. NGUYEN: Well, this is a study by the planning section at Central Hudson, a study 10 year, 20 year growth in this area, based on the study from 1998 through 2002, we estimate the load growth about 2.7 percent, but if the load grows rapidly then the condition will be different. So based on the load growth, 2.7 percent by summer 2004, the load in this area will be 97 percent of the substation capacity.

MR. REIS: You'll be utilizing a hundred percent of your maximum output, I understand that, assuming that this is okay and acceptable to the Town with this additional power that you have available based on our current growth patterns and growth of the Town, is this going to be obsolete in 10 or 15 years?

MR. NGUYEN: We estimate that this substation with total 15 distribution circuit will support growth in this area from 10 to 20 years, that depends on how this area grows. It's not really a solid way to say because load growth in this area can change at any time.

MR. REIS: You would guesstimate that you have a minimum of 15 years would you say?

MR. NGUYEN: I estimate from 10 to 20 years, I mean, average but if the load grows faster that will be different.

MR. REIS: So we need to determine the proposed power control center which is less than 900 square feet plus the proposed overhead utility area, I don't know what that square footage is, do you have that number?

MR. BABCOCK: We have need existing and the proposed to see what the difference in 30 percent is, Mr. Chairman, if you look at SP2, they have some, it says Town of New Windsor Zoning District, residential R-4 public utility and they have a required lot area of ten acres and

they're proposing 1.21 acres. If you look over on the map, they're actually determining their setbacks from the small 800 square foot building and I'm not sure that we would do that or go from that pad. If you notice, the pad is 17 feet from the property line but the building's 43, so they took their setbacks from the building and not this pad. I don't know if the board--

MR. MC DONALD: So 134.8 side is from the corner of the building?

MR. BABCOCK: Yeah, you see 135 feet comes from the property line to the building, that's not the pad though.

MR. REIS: The pad is the entire darkened area, Mike?

MR. BABCOCK: Yes and see the fence around it, the thick darker area is the retaining walls and the lines with the X is the fence and then the pad is the entire area, that's where the new equipment would go.

MR. REIS: This is, this a concrete pad that whole area?

MR. NGUYEN: No, not the whole area is concrete, it's on gravel and some location where the structure's going.

MR. BABCOCK: Where the structure's going is concrete.

MR. MC DONALD: So we're just covering as far as concrete is concerned just where the five circuits are going to be and the control building?

MR. ABER: Yes.

MR. REIS: Can you tell us about the retaining wall itself, is that a concrete abutment?

MR. ABER: The westerly retaining wall is a concrete poured in place wall and the easterly retaining wall is a gabion stone filled wall.

MR. REIS: How high is the wall to the west?

MR. ABER: If you look on SP3, you'll see elevations on the wall, all one wall at different points. If I was to take the front corner, you'd see the top of the wall is an elevation of 299 and the inside bottom of the wall is 287.9, so just make it just over 11 feet at that point. If you looked at the gabion wall on the opposite front corner the top of the wall is 288.3 and the outside bottom is 282, so make it just over 6 feet.

MR. REIS: Are there going to be plantings on the exterior of the wall to kind of give it a buffer?

MR. ABER: It's Central Hudson's intention to satisfy the planning board with whatever screen plantings or lattice within the fence that's required. The other thing that you can see on SP3 you'll see there's a cut in the existing tree line that allows strictly for the driveway coming in off Union Avenue and the appurtenances so it leaves the buffer in the front and also to the west side, you'll see where the connector walkway between the two portions of the expansion you'll see a cut in the tree line there also to continue the shroud that's there.

MR. BABCOCK: As you see on the denial, there's no numbers as far as what they meet and what they don't meet and the reason for that is because until the board tells us which direction to go, we'll have to come up with a square footage of each one of the units and the square footage of the new one and tell you whatever they are over the 30 percent. So I think tonight if the board can make a decision if they feel that Central Hudson is exempt from that code, if you feel that, and that's the interpretation they no longer have to go

anywhere, they just go back to the planning board and get their site plan approval and move on. If the board determines tonight that they should seek relief of the 30 percent, if they're over it, then we would have to do that calculation and also the calculations of the square footage, the lot area, the lot widths and so on and so forth and come up with a list of area variances that we believe they would need and then come back to this board with those. So I think tonight we really need to just have that answer so that we can come up with those calculations.

MR. REIS: Gentlemen, do you have any other questions? Do you feel that we can vote on this as an interpretation or do you feel that we should go the distance and get all the variances?

MR. MC DONALD: I think we ought to go personally as an interpretation, in my view, it's kind of academic, they're going to build it whether we let them or not.

MR. KRIEGER: The problem is as I see it the zoning board is powerless to act without a public hearing, regardless of whether you call it an interpretation or area variance, I think the board is required to have a public hearing. After you hear from the public, then you're going to be faced with the same questions as they were previously presented, whether or not it's exempt as a central service public utility or whether it's, whether they're not exempt or whether or not they're entitled to area variances but you have to hold a public hearing before you can make that.

MR. REIS: Even with an interpretation?

MR. KRIEGER: Yes.

MR. MC DONALD: Accept a motion?

MR. REIS: Yes.

MR. MC DONALD: Make a motion we set them up for a public hearing on their request.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE

MR. BABCOCK: Could you suggest we have the applicant do those numbers?

MR. REIS: I would recommend it.

MR. BABCOCK: So we have both of those.

MR. REIS: For the sake of time and to expedite your process, I would suggest that you have those numbers so we know what we're dealing with I personally am leaning towards an interpretation so--

MR. KRIEGER: That way they only have to have one public hearing.

MR. BABCOCK: If they were to fail the interpretation, the board could move on to do the area variances.

MR. KRIEGER: Without holding another public hearing right there and then.

MS. PHILLIPS: Do you suggest that we work directly with the building department to establish exactly what calculations?

MR. REIS: You need that criteria so you can move forward, right.

MS. PHILLIPS: And do you have a date for the public hearing?

MR. REIS: You have to submit the papers.

MS. MASON: If you read this, it tells you what to do.

MR. REIS: Thanks very much.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#76-2004

01/21/2004

CH Energy Group

Received \$ 150.00 for Zoning Board Fees, on 01/21/2004. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

ZONING BOARD OF APPEALS

January 14, 2004

Central Hudson Gas & Electric
284 South Avenue
Poughkeepsie, NY 12601

ATTN: ROBERT THOMAS

SUBJECT: REQUEST FOR VARIANCE #04-04

Dear Mr. Thomas:

This letter is to inform you that you have been placed on the January 26, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

Central Hudson Expansion
Union Avenue
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

**TOWN OF NEW WINDSOR
ENGINEER, PLANNING BOARD
AND ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

**TO: MIKE KANE, LEN MC DONALD, STEVE RIVERA,
ANDREW KRIEGER, MICHAEL REIS, JOSEPH MINUTA**

FROM: MYRA MASON, SECRETARY TO THE ZBA

SUBJECT: CENTRAL HUDSON G&E – APPLICATION FOR EXPANSION

DATE: JANUARY 14, 2004

Please note, I have received an application from Central Hudson G&E for expansion to their sub-station on Union Avenue (near the intersection with Rt. 32).

They are scheduled for their Preliminary Appearance on January 26th, 2004. As their submittal is quite extensive, you may want to stop in to review some of the paperwork prior to the meeting on the 26th if you are able to.

I will leave the paperwork on the typewriter in my office in case I am out of the office.

Any questions, give me a call.

Thanks,

Myra



RESULTS OF Z.B.A. MEETING OF:

January 26, 2004

PROJECT:

Central Hudson G+E

ZBA #

04-04

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Mc S) Riv

VOTE: A 3 N 0

RIVERA

MCDONALD

REIS

MINUTA

KANE

A

A

A

CARRIED: Y ☒ N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED:

M) S) VOTE: A N

RIVERA

MC DONALD

REIS

MINUTA

KANE

CARRIED: Y N

6.9 acres

New facility is located a distance from the original site
due to Wetlands location.

Cannot go up with expansion

Estimate that this upgrade will be good for 15-20 years

Applicant to do the calculations

CENTRAL HUDSON GAS & ELECTRIC SITE PLAN (03-12)

MR. PETRO: Proposed expansion of existing substation. Application proposes development of the second power and substation adjacent to the existing station on the north side of the Union Avenue hill. Property is located in an R-4 zone district of the Town. The utilities use is not listed within the bulk tables but as a pre-existing at the location, Mark, let's talk about that a little bit, it's existing at the location. The utility is not listed within the bulk tables but is a pre-existing at the location. Now, if you have an existing use, you're allowed to encroach is it 30 percent?

MR. EDSALL: Well, it's--

MR. PETRO: How are you getting around the zoning in an R-4 zone?

MR. EDSALL: Well, the zoning law allows you to continue a use that's let's say non-conforming and it allows increasing the building area as an addition of so much percentage of the building, this is I guess a little more unique because there are utility structures, it's not a building, that's what I was just discussing with Mike, this is really a unique case that I don't know necessarily is addressed within the text of the code.

MR. PETRO: I've got to say this to that and Union Avenue, if I lived in the house going up Union Avenue on the next brick house where this property is adjacent to and I saw this adjacent to and I lived in an R-4 zone, I'd be pretty damn mad. So when they call up here and say how are we allowing that to happen in an R-4 zone, I still, I'm still unclear, I don't have an answer. Look at this, if I lived next to that, first of all, my house, I'd probably ask have to sell for about \$12 and I live in an R-4 zone. And I'm not against your project, I'm against where it is, that's all and I realize you already have it there, you need it because you can't service the electric needs, I know the whole deal.

MR. BABCOCK: We're not really saying that they don't have to go to the zoning board, we're saying that it's really not listed in the bulk tables so--

MR. PETRO: Then they have to go to the zoning board.

MR. BABCOCK: That's why we want to discuss that with you gentlemen tonight.

MR. PETRO: I would suggest that you're going to have to go to the zoning board for a use variance which is going to be very difficult.

MR. LAPINE: My name is Chris Lapine. Section 48-24 non-conforming uses B1 states any non-conforming use of building or open land may be continued indefinitely but shall not be changed to another non-conforming use. I don't believe that Central Hudson intends on changing the use of this land.

MR. PETRO: No, but you're expanding it, if you were going to change what you already have, I'd agree, but you're expanding it and you're going to expand it by quite an amount too. I don't think it's, just look at the shaded-in area and look at what you have or I mean look next to it, I see where you have it there anyway, how do you feel that that's pertinent to the zoning? I'm not following you really.

MR. LAPINE: Well, I'm sensing that it's the concern here is that it's a non-conforming use.

MR. PETRO: On the new lands.

MR. LAPINE: On the new lands which they are the lands combined are one tax parcel.

MR. PETRO: Okay,

MR. THOMAS: It's not separate, it's all one parcel of land, it's just that we're going to build a separate station next to the existing station.

MR. PETRO: Why is it outlined on my map as a second parcel?

MR. LAPINE: It's a separate deed.

MR. PETRO: Are you doing that just in-house to show us what's already there?

MR. LAPINE: It's how much it is in the Town.

MR. PETRO: You get one tax bill for this property?

MR. THOMAS: Yes.

MR. PETRO: It's all section, block and lot one number the entire property?

MR. THOMAS: Yes.

MR. PETRO: What's the line if the middle then? Come on up.

MR. THOMAS: This is a new parcel.

MR. PETRO: What's this line right here?

MR. THOMAS: That line is going to be the new area for the area for the new station, even though this is all one, it's going to be a separate station so that that's the line, the footprint of the--

MR. PETRO: That's what I'm asking, you drew this line in-house, this has nothing to do with the extra parcel?

MR. THOMAS: That's correct.

MR. ARGENIO: Mike, what are you saying?

MR. BABCOCK: If it's a separate lot, it's a little more difficult for them. They're saying it's not. We have to verify that and I'm sure they know what they're talking about. If it's on the same lot, the extension of a non-conforming use talks about a 30 percent expansion of buildings. I think that's something that they either need a variance for and/or an interpretation from the zoning board. And I understand his argument of the 4824 and that.

MR. PETRO: I didn't realize it was the same lot when I was saying that, that clarifies it the way you're thinking, obviously, if I see two lots there then when you were saying that, I'm saying what are you even talking about?

MR. EDSALL: 4824 is a section which talks about extending a use. So I think that portion applies to when you're taking an existing non-conforming and making it larger and the code uses the words structure, what Mike's I believe saying is if we can't at this board make a determination as to whether or not that applies then you have to go to the ZBA and the ZBA says yes, you need a variance cause you're going over 30 percent then fine.

MR. PETRO: 30 percent of what?

MR. EDSALL: That's the reason.

MR. ARGENIO: Mike said--

MR. EDSALL: Code says structures so--

MR. PETRO: Are the transformers a structure? So you need an interpretation.

MR. KRIEGER: Doesn't the code define structure?

MR. EDSALL: An assembly of materials.

MR. BABCOCK: So it could be, yes.

MR. ARGENIO: So what do you calculate, the footprint of each transformer?

MR. EDSALL: Hence the reason why I think the best one to deal with an interpretation of what this portion of the code meant is the zoning board.

MR. PETRO: Cause I don't want to belabor this, you have to go to the zoning board, why don't you tell us a little bit about what you want to do, put up this there and let's at least take a look at that.

MR. THOMAS: What we want to put there is a new substation. As you can see here, this is, this is one of our current substations. Huynh, maybe you want to come up and talk. Huynh is the project engineer.

MR. NGUYAN: This is one of our substations in Highland, it's going to look, the new station is going to look almost identical to this, so what we have done here is there's been a rendering, of course they've taken that station and set it into the, where it's going to be, next to it the only structure, only building that's going to be on property is going to be this control house which will house some power equipment.

MR. PETRO: How many apartments in it?

MR. THOMAS: You can live in there and you have continuous light.

MR. ARGENIO: You'll glow.

MR. PETRO: You know, this site also has a topo problem on the west side and how are you going to treat that? Do you have anything to show us? I'm getting ahead of myself a little bit.

MR. LAPINE: We submitted a grading plan which pretty much--

MR. PETRO: Dig it out.

MR. LAPINE: Yes, dig it out and push it to the east to attempt to balance the site, minimize off-site transport of material during construction.

MR. PETRO: There's going to be a slope from your property line down to it, I think, what's our slope, one on one I guess is the maximum?

MR. THOMAS: One on three, isn't it?

MR. PETRO: Mark, what's the slope, one on three or one on one?

MR. EDSALL: One on one is pretty aggressive, one on two is reasonable, that's what we use within right-of-ways, one on three is nice.

MR. LAPINE: All our proposed grading is three on one.

MR. PETRO: Well, you've moved it all the way this way. Separate entranceway or access off the original site?

MR. THOMAS: Separate entrance right here.

MR. PETRO: That would go to that's New York State then, right?

MR. ARGENIO: County.

MR. LAPINE: And we've had discussions with the County, the entrance location shown is based upon the required sight distances, we'd like to make a formal submittal to them, of course we're waiting for at least a conceptual approval.

MR. ARGENIO: Did they respond about the additional entrance?

MR. THOMAS: As long as we conform to what we asked for, there's no problem, there has to be a certain setback, has to be a certain width, the blacktop has to be a certain depth and we're doing all of that.

MR. SCHLESINGER: What's the purpose of the substation, more power?

MR. PETRO: You were here last time you told us we're going to run out of power.

MR. NGUYEN: The existing station is almost to the maximum capacity now and based on the new volume around here, we need new power station to provide the service around here.

MR. SCHLESINGER: You mean additional, not new, the other station, so you need an additional station and nothing's going to change from the original one?

MR. THOMAS: Nothing will change here at all, that will stay there.

MR. SCHLESINGER: So there's a demand for more power, this is your way of supplying?

MR. THOMAS: As of last year, we had to put in an additional circuit to feed New Windsor out of this station so that we're pretty close to maxing this station out.

MR. PETRO: Because of my mother and the electric heat in her apartment, I can tell you that right now.

MR. THOMAS: Looking forward something had to be done to continue this service. And have her continue to do that, please.

MR. BRESNAN: And this is a naive question, why do you have to build a separate station? Why can't you embellish the one you have?

MR. CHAN: When you say embellish, make larger.

MR. BRESNAN: Upgrade it.

MR. CHAN: You would still need to expand the existing substation. Right now, based on last summer's loads, we had 93 percent of the capacity of the substation and by summer 2005, we expect to have above 100 percent of the capacity of the substation.

MR. BRESNAN: So the hardware you need you can't do anything to the hardware?

MR. SCHLESINGER: If those are transformers, put in bigger transformers to produce more electricity or greater output within the same area?

MR. CHAN: Not with the existing footprint.

MR. SCHLESINGER: You can't do that?

MR. CHAN: No.

MR. BABCOCK: It appears to me that they're probably doubling the size of the one that's there making this new one is about the same size as the old one and in fairness so that's definitely more than the 30 percent expansion, even if you use the existing structures so there definitely is a, they would need a variance for the 30 percent. So I don't think we need to talk about the 30 percent, we need to know how many more if they're doing a hundred percent expansion they need a variance.

MR. PETRO: That's if it's two separate lots.

MR. BABCOCK: No, even on the same lot, if you have a non-conforming use, you can expand it by 30 percent of the floor area, the structure.

MR. EDSALL: We just looked up under this section of the zoning code and under structure, the definition includes the materials that form a construction but says including other things as well as radio towers so there was an indication they were heading towards non-building structures being part of that term so from our review tonight, it looks like it would apply.

MR. LAPINE: Is that 30 percent of a structure that's not a new structure if you don't connect the structures?

MR. EDSALL: Again, that's why we're saying we wouldn't want to send you to the ZBA saying you need a variance, we'd send it for an interpretation and/or variance so if the interpretation is that no, that's not really what they meant and this 30 percent doesn't apply to you then fine, you've got an interpretation and it comes back. But the Zoning Board is the one that has to decide what this means.

MR. PETRO: What I'd like to do is have you go to the ZBA and get through that or not get through it before we go any further here because this would just be a moot point to continue. If you got through zoning and you came back and you're allowed to build the size that you want, then we can look at planning board issues. I

mean, we've gone over a couple of them tonight but not extensively. Mark has to review it, i.e., the retaining wall, the slopes and curb cut and things like that, there's no sense in continuing here without the zoning board because I still see it now as a non-conforming use for the entire site for the size that you're going to use it for and we can't review it. I'll entertain a motion for final approval.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Central Hudson site plan proposed second substation on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: You have been referred to the New Windsor Zoning Board for your necessary relief of the law that you're looking for or for a variance that you may need. If you are successful and receive those, put them on the plan, you can reappear before this board for review.



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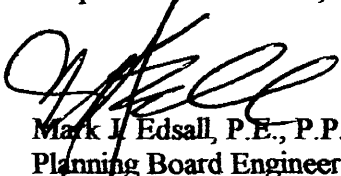
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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CENTRAL HUDSON SITE PLAN
(PROPOSED SECOND SUBSTATION)
PROJECT LOCATION: UNION AVENUE
SECTION 12 – BLOCK 1 – LOT 48
PROJECT NUMBER: 03-12
DATE: 11 JUNE 2003
DESCRIPTION: THE APPLICATION PROPOSES THE DEVELOPMENT OF A SECOND
POWER DISTRIBUTION SUBSTATION ADJACENT TO THE
EXISTING STATION ON THE NORTH SIDE OF THE UNION AVENUE
HILL.

1. The property is located in the R-4 zoning district of the Town. The utility use is not listed within the bulk tables, but is pre-existing at the location.
2. The Planning Board may wish to authorize the issuance of a Lead Agency Coordination letter for the project, to begin the SEQRA review process. The applicant should submit six (6) copies of sheets SP-1, SP-2 and SP-3, plus the environmental form for this purpose.
3. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 48-19.C of the Town Zoning Local Law.
4. Submittal of this application/plan to the OCDPW will be necessary.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/sr
NW03-12-11Jun03.doc

REGIONAL OFFICES

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